

1960

## c 118 Election Act

Ontario

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## CHAPTER 118

**The Election Act**

## INTERPRETATION

**1. In this Act,**Interpre-  
tation

- (a) “advance poll” means a poll held under section 77;
- (b) “agent” when used in relation to a candidate includes a scrutineer appointed by the candidate;
- (c) “board” means an election board as constituted under this Act for a county or provisional judicial district;
- (d) “candidate at an election” and “candidate” mean a person elected to serve in the Assembly and a person who is nominated as a candidate at an election or is declared by himself or by others to be a candidate on or after the day of the issue of the writ or after the dissolution or vacancy in consequence of which the writ has been issued;
- (e) “corrupt practice” means bribery and any act declared to be a corrupt practice by this or any other Act of the Legislature or recognized as such by the common law of Parliament;
- (f) “county” includes a district;
- (g) “county court” includes a district court;
- (h) “election court” means a court constituted under *The Controverted Elections Act* for the trial of a petition or a summary trial court constituted under <sup>c. 65</sup> R.S.O. 1960, that Act;
- (i) “electoral district” means any place or territorial area designated as an electoral district by *The Representation Act*; <sup>c. 353</sup> R.S.O. 1960,
- (j) “local municipality” means a city, town, village or township;

- (*k*) "mariner" means a man or woman who is serving in Her Majesty's naval forces or is serving in any capacity on a mercantile vessel registered at any port in the Commonwealth at the time of the issue of the writ for a provincial election;
- (*l*) "oath" includes an affirmation and a statutory declaration;
- (*m*) "official agent" means the agent appointed by a candidate under section 187;
- (*n*) "polling list" means the list of voters furnished to a deputy returning officer by the returning officer in accordance with this Act;
- (*o*) "polling subdivision" means,
  - (i) in a municipality, a polling subdivision prescribed by the council of the municipality or by the returning officer under section 44, and
  - (ii) in territory without municipal organization, a division, subdivision, district, subdistrict or other territorial area fixed by the board for which a list of voters is to be prepared and for which one or more polling places are to be established for the taking of the vote at the election;
- (*p*) "prescribed" means prescribed by this Act or by the regulations;
- (*q*) "regulations" means the regulations made under this Act;
- (*r*) "residence", and similar expressions used in relation to a person, means his true, fixed, permanent home or lodging place to which whenever he is absent he has the intention of returning, subject to the following rules:
  1. The place where a person's family resides shall be deemed to be his residence unless he takes up or continues his residence at some other place with the intention of remaining there, in which case he shall be deemed to be a resident of such other place.

2. The place where a single person occupies a room or part of a room as a regular lodger or to which he habitually returns, not having any other permanent lodging place, shall be deemed to be his residence.
  3. No person shall be deemed to be ordinarily resident in quarters or premises that are generally occupied only during some or all of the months of May to October and generally remain unoccupied during some or all of the months of November to April unless,
    - a. he is occupying such quarters in the course of and in the pursuit of his ordinary gainful occupation, or
    - b. he has no quarters in any other electoral district to which he might at will remove;
- (s) "rural polling subdivision" means a polling subdivision no part of which is,
- (i) within a city, town, village or improvement district having a population of at least 5,000,
  - (ii) within a township having a population of at least 10,000, or
  - (iii) within a township adjacent to a city having a population of at least 100,000,
- according to the last Federal census;
- (t) "urban polling subdivision" means a polling subdivision that is wholly,
- (i) within a city, town, village or improvement district having a population of at least 5,000,
  - (ii) within a township having a population of at least 10,000, or
  - (iii) within a township adjacent to a city having a population of at least 100,000,

according to the last Federal census. 1951, c. 21, s. 1, cls. (a-i, k-u), *amended*.

## ELECTION BOARDS

Board for  
every county  
and district

**2.**—(1) There shall be an election board in and for every county and provisional judicial district.

Disqualifica-  
tion for  
election

(2) No person who is a member of the board or who has been engaged as a revising officer in the preparation of the lists of voters to be used at the election is eligible as a candidate at the election. 1951, c. 21, s. 2.

Composition  
of boards:  
York

**3.**—(1) In the county of York, the board shall be composed of the judges of the county court.

other  
counties  
and districts

(2) In every other county and provisional judicial district, the board shall be composed of five members as follows: the judge and junior judge of the county or district court, the local registrar of the Supreme Court, the sheriff of the county or district, the clerk of the peace, and, where there is no junior judge of the county or district court, the local master of the Supreme Court, or, where the local master is also the judge of the county or district court, the registrar of deeds, and, where there are more registry divisions than one in the county or district, such one of the registrars of deeds as is designated by the other members of the board.

City to be  
part of  
county or  
district

(3) For the purposes of this section, every city forms part of the county or district in which it is situate, and the board has jurisdiction accordingly.

When  
deputy  
registrar  
to act

(4) Where there is no local registrar of the Supreme Court, the deputy local registrar of the Supreme Court is a member of the board.

Chairman

(5) The judge of the county or district of the county or district, or in his absence, or in case of his inability to act, or in case of a vacancy in his office, the junior judge, or acting judge of the county or district court, is chairman of the board.

Vacancy in  
chairman-  
ship

(6) Where the judge or junior or acting judge is unable to act and, on account of illness or absence, there is no other person to act in his place, he may appoint in writing some other member of the board as chairman *pro tempore* or, if he is unable or neglects to do so, the other members of the board may elect a chairman from among themselves.

Clerk of  
board

(7) The board shall appoint one of their own number or some other person to act as clerk of the board.

(8) Every member of the board and the clerk before performing any duties of the office shall take an oath before a commissioner for taking affidavits or a justice of the peace to faithfully and impartially perform his duties. Oath of office

(9) Three members of the board form a quorum. Quorum

(10) Where there is a vacancy in the membership of the board and there is no official to fill the vacancy or where the number of officials mentioned in subsection 2 is not sufficient to complete the board, the board may appoint some fit and proper person, or a sufficient number of such persons, to complete the membership of the board. Vacancies

(11) Where an electoral district includes parts of two or more counties or districts, it shall, for the purposes of this Act, be deemed to form part of the county or district in which its greater part is situate. 1951, c. 21, s. 3. Electoral district containing territory in more than one county or district

#### CHIEF ELECTION OFFICER

4.—(1) The Lieutenant Governor in Council shall appoint a person being a barrister and employed in the public service of Ontario to be Chief Election Officer, and may appoint another person possessing like qualifications to be Assistant Chief Election Officer. Appointment of C.E.O. and A.C.E.O.

(2) It is the duty of the Chief Election Officer to consult with and advise the boards throughout the Province, and to supervise and instruct the returning officers, deputy returning officers and poll clerks in the performance of their duties, and, where necessary, to personally visit and consult with the chairman of the board or the returning officer with a view to facilitating the preparation of the lists and the carrying out of this Act. Powers and duties of C.E.O.

(3) In the absence or illness of the Chief Election Officer or if the office is vacant, the Assistant Chief Election Officer may act in his place, and, while so acting, possesses the like powers and shall perform the like duties as the Chief Election Officer. Powers and duties of A.C.E.O.

(4) In cases of emergency for which no provision is made, the Chief Election Officer may give such directions as he deems proper and anything done in compliance with such directions is not open to question, but the Chief Election Officer shall immediately give notice of any direction so given by him to any candidate or proposed candidate whom he thinks may be affected by such direction. 1951, c. 21, s. 5. In cases of emergency

Clerical  
assistance

5. The Chief Election Officer may provide for such clerical and other assistance as is necessary in the performance of his duties, and the Lieutenant Governor in Council may authorize the issue of accountable warrants from time to time for payment of travelling and other expenses and for remuneration of such officers and of persons employed in the office of the Chief Election Officer. 1951, c. 21, s. 6.

#### EFFECT OF IRREGULARITIES

Irregularities  
not affecting  
result

6.—(1) No election shall be declared invalid,

- (a) by reason of any irregularity on the part of the returning officer or in any of the proceedings preliminary to the poll;
- (b) by reason of a failure to hold a poll at any place appointed for holding a poll;
- (c) by reason of non-compliance with the provisions of this Act as to the taking of the poll, as to the counting of the votes, or as to limitations of time; or
- (d) by reason of any mistake in the use of the forms to this Act,

if it appears to the tribunal having cognizance of the matter that the election was conducted in accordance with the principles of this Act, and that the irregularity, failure, non-compliance or mistake did not affect the result of the election.

Irregularities  
in assess-  
ment roll  
or voters'  
list  
R.S.O. 1960,  
c. 65

(2) An irregularity in the preparation or revision of any assessment roll or list of voters is not a ground for questioning the validity of an election or a return under *The Controverted Elections Act*, or otherwise. 1951, c. 21, s. 7.

#### ELECTION INTERRUPTED

When  
election or  
polling is not  
commenced  
or is  
interrupted

7. If by reason of riot or other emergency a nomination meeting or the voting at a polling place is not commenced on the proper day or is interrupted after being commenced and before the lawful closing thereof, the returning officer or deputy returning officer, as the case may be, shall hold or resume the election or polling on the following day at 1 p.m., in the case of a nomination meeting, and at 8 a.m., in the case of a polling, and continue the same from day to day, if necessary, until a fair opportunity for nominating candidates has been given or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eleven hours in all. 1951, c. 21, s. 8.

## OATHS OR AFFIDAVITS

**8.**—(1) Except where otherwise provided, any oath for the purposes of this Act may be sworn before a justice of the peace, a commissioner for taking affidavits or a notary public. <sup>Who may take affidavits</sup>

(2) Returning officers and election clerks have power to administer any oath required by this Act, and deputy returning officers and poll clerks may administer any oath except any oath to be administered to the returning officer. <sup>Oaths, who to administer</sup>

(3) Every person administering an oath under or for the purposes of this Act shall administer the oath gratuitously. <sup>No charge for administering oaths</sup> 1951, c. 21, s. 9.

## AGENTS

**9.** A person who is disqualified and incompetent to vote under section 14, or who within eight years has been found guilty by a competent tribunal of a corrupt practice or reported for a corrupt practice by an election court, shall not act as agent for a candidate at an election, and every person contravening this provision is liable to the same penalty as if he had voted at the election. 1951, c. 21, s. 10. <sup>Certain persons disqualified from acting as agents</sup>

**10.** A candidate may himself undertake any of the duties that his agent, except his official agent, might have undertaken, if appointed, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may attend in pursuance of this Act, except at the marking of a ballot under section 89. 1951, c. 21, s. 11. <sup>Right of candidates to undertake duties of agent</sup>

**11.** Where expressions are used in this Act that require or authorize any act to be done in the presence of the agents of the candidates, the non-attendance of any agent does not invalidate the act done. 1951, c. 21, s. 12. <sup>Non-attendance of agents</sup>

## PERSON NOMINATED WITHOUT CONSENT

**12.** Nothing in this Act imposes any liability upon a person nominated as a candidate or declared to be a candidate by others without his consent, unless he has afterwards given his assent to the nomination or declaration, or has been elected. <sup>Non-liability of person nominated without consent</sup> 1951, c. 21, s. 13.



## QUALIFICATION OF CANDIDATE

Who may  
be candidate

R.S.O. 1960,  
c. 208

**13.** Any person of the full age of twenty-one years and a British subject by birth or naturalization who has resided in Ontario for the twelve months next preceding the day of polling and who is not disqualified by *The Legislative Assembly Act* or by any other Act is qualified to be a candidate. 1951, c. 21, s. 14.

## QUALIFICATION OF VOTERS

## WHO SHALL NOT VOTE

Who dis-  
qualified  
from voting

**14.**—(1) Judges of the Federal and Provincial courts, clerks of the peace, Crown attorneys and magistrates are disqualified and incompetent to vote.

Penalty

(2) Any person mentioned in subsection 1 who votes is liable to a penalty of \$2,000. 1951, c. 21, s. 15, *amended*.

Dis-  
qualification  
of certain  
officers

**15.** No returning officer or election clerk is entitled to vote, but this provision does not affect the duty of the returning officer to give a casting vote. 1951, c. 21, s. 16 (1).

Dis-  
qualification  
of convicts,  
mentally ill  
persons, etc.

**16.** No person is entitled to be entered on the list of voters, or shall vote, who is a prisoner in a penal or reform institution undergoing punishment for a criminal offence, or who is a patient in a mental hospital. 1951, c. 21, s. 17; 1954, c. 25, s. 3.

## WHO MAY VOTE

Who may  
vote

**17.**—(1) Subject to the provisions hereinafter contained, in any electoral district in which an election to the Assembly is held, the following persons, being entered on the proper polling list, and no others, are entitled to vote at such election:

Generally

1. Every man and every woman who, at the time of voting,
  - (a) is of the full age of twenty-one years;
  - (b) is a British subject;
  - (c) is not disqualified under this Act or otherwise prohibited by law from voting;
  - (d) has resided in Ontario for the twelve months next preceding the day of polling; and
  - (e) resided in the electoral district at the date of the issue of the writ of election.

2. Every man and every woman who, at the time of voting, <sup>Disabled soldiers' franchise</sup>

- (a) is a British subject;
- (b) is not qualified to vote under paragraph 1;
- (c) is not disqualified under this Act or otherwise prohibited by law from voting,

whether or not he or she has attained the age of twenty-one years, and who,

- (d) has served or is serving as a member of the Canadian Forces within the meaning of the *National Defence Act* (Canada) or the armed forces of any part of the Commonwealth or any ally thereof; and <sup>R.S.C. 1952, c. 184</sup>

- (e) is an inmate or patient or is employed and resident,

- (i) in a hospital or institution situated in the electoral district for the reception, treatment or vocational training of persons who have served or are serving as members of any of the forces mentioned in clause *d*, or

- (ii) in a hospital or institution for the blind or deaf or a charitable institution situated in the electoral district,

and there shall be entered on every list prepared under this Act opposite the name of any person so qualified, the letters "D.S.F." (Disabled Soldiers' Franchise). 1951, c. 21, s. 18; 1954, c. 25, s. 4 (1), *amended*.

(2) For the purposes of this section, a statutory declaration <sup>Evidence of facts</sup> by a person claiming to be a British subject is *prima facie* evidence of the facts declared to. 1954, c. 25, s. 4 (2).

#### CHANGE OF RESIDENCE WITHIN TWO MONTHS OF POLLING

**18.**—(1) Notwithstanding section 17, a person who was a resident in, and is entered on the list prepared for a polling subdivision or polling place in, an electoral district or who <sup>Removal from one electoral district to another</sup> would have been entitled to be so entered had he remained a

resident in such electoral district and who has moved from such electoral district in the course of his ordinary profession, occupation or calling and has become a resident of another electoral district, and any person ordinarily resident with the first-mentioned person as a member of his family or household who has so moved with the first-mentioned person, are entitled to be entered on the list of voters in the last-mentioned electoral district by the revising officer, or by the judge, as the case may be, upon filing with the revising officer or judge an affidavit (Form 1) and producing such other evidence that he was so entered or entitled to be so entered and that such move was solely for the purpose of carrying on such profession, occupation or calling, as the revising officer or judge deems necessary.

**Certificate** (2) The revising officer or judge shall give a certificate in writing (Form 2) to every person entered on the list under subsection 1.

**Entry after name of person so added** (3) The revising officer or judge shall write "entered under *The Election Act*, section 18" after the name of every person entered on the list under subsection 1.

**Production of certificate at poll** (4) A person whose name is entered on the list under this section is not entitled to vote unless at the time of tendering his vote he produces to the deputy returning officer the certificate mentioned in subsection 2. 1951, c. 21, s. 19.

## PROCEEDINGS PRELIMINARY TO ELECTION

### DATES FOR NOMINATION AND POLLING

**Nomination day** **19.**—(1) Where an election is to be held, the Lieutenant Governor in Council may appoint a day for the nomination of candidates, which day shall be,

(a) not more than sixty and not less than twenty-three days after the date of the writs of election where the nomination day appointed is in the months from April to October inclusive; or

(b) not more than sixty and not less than thirty days after the date of the writs of election where the nomination day appointed is in the months from November to March inclusive.

**Polling day** (2) The fourteenth day after nomination day shall be the day on which polling shall take place where a poll is granted. 1954, c. 25, s. 6.

(3) In the case of a general election, the nominations shall be held on the same day for all electoral districts and the respective days for the nomination and for the polling shall be stated in the proclamation for the election. Date to be same in all electoral districts

(4) The writs for a general election shall be dated on the same day. Writs to bear same date

(5) A writ of election shall state the respective days for the nomination and for the polling, and need not name a return day, but is returnable forthwith after the execution thereof. Writs to state nomination and polling days

1951, c. 21, s. 23 (3-5).

**20.**—(1) In the case of a general election, the Chief Election Officer shall, when so directed by the Lieutenant Governor in Council, take the vote of members of the Canadian Forces whose declared residence under *The Canadian Forces Voting Regulations* is in Ontario by a method as near as circumstances permit to that provided in such regulations in force on the 1st day of January, 1955. Canadian Forces vote

(2) Where a vote is directed to be taken under subsection 1, Idem no member of the Canadian Forces shall vote other than by the method provided by this section. 1955, c. 19, s. 1.

#### SUPPLIES

**21.**—(1) Before every election, the Chief Election Officer shall cause to be printed in conspicuous characters a notice as to secrecy (Form 4) and shall transmit by post to the returning officer of every electoral district such number of copies as he deems sufficient to supply every deputy returning officer with five copies, and every deputy returning officer shall post up one copy in a conspicuous place outside his polling place and one copy in a conspicuous place within his polling place, and he shall see that they remain so posted up from the opening to the close of the poll. Notice as to secrecy

(2) The notice may be separate or added to the directions for the guidance of voters in voting (Form 3). Notice may be separate

(3) The Chief Election Officer shall also procure from the Queen's Printer the forms, other than the proclamation of the nomination, prescribed by this Act or by Part III of *The Voters' Lists Act* for each electoral district in sufficient number for the requirements of the election, the label mentioned in subsection 2 of section 135 and such stationery as is necessary and shall send the same to the returning officer forthwith after the issue of the writ. 1951, c. 21, s. 25. Supply of forms by Queen's Printer R.S.O. 1960 c. 420

Supply of  
poll books  
and forms

**22.** Immediately after the issue of the writ, the Chief Election Officer shall supply the returning officer with a sufficient number of blank poll books (Form 5) for the purposes of the election having regard to the number of polling places within the electoral district, containing the following blank forms:

1. Commission of deputy returning officer.
2. Oath of deputy returning officer.
3. Commission of poll clerk.
4. Oath of poll clerk.
5. Oath of secrecy.
6. Schedule for "Notes of objections" to ballot papers under section 104.
7. Statement of the poll after counting the ballot papers.
8. Ballot paper account.
9. Oath of deputy returning officer after closing the poll.
10. Oath of poll clerk after closing the poll.
11. Certificate of returning officer for outside voters.

1951, c. 21, s. 26.

Transmission  
of copies  
of this Act

**23.** There shall be transmitted to the returning officer with the writ of election such number of copies of this Act and of any Acts amending the same as will be sufficient to supply him and each deputy returning officer with at least one copy, and every copy shall contain an alphabetical index. 1951, c. 21, s. 27.

#### RETURNING OFFICERS

Appointment  
of R.O.

**24.—(1)** The Lieutenant Governor in Council may at any time appoint a returning officer for any electoral district who shall hold office until he has completed the work of the general election next following his appointment.

Idem

(2) Every person appointed a returning officer under subsection 1 shall be a British subject, of the full age of twenty-one years, and resident in Ontario.

Refusal or  
incapacity  
to act

(3) If the person appointed returning officer under subsection 1 dies, or refuses to act, or is absent or incapacitated, or is unable from any cause to act, the Lieutenant Governor in Council may appoint some other person to be returning officer.

Notification  
of appoint-  
ment

(4) The Chief Election Officer shall notify every person appointed as returning officer of his appointment, and thereupon such person shall enter upon his duties under this Act and *The Voters' Lists Act*.

R.S.O. 1960,  
c. 420

(5) Every returning officer immediately upon receiving Oath of R.O. notice of his appointment shall take and subscribe the oath (Form 6), and every returning officer who refuses or neglects to take and subscribe the oath is liable to a penalty of \$40.

(6) Every returning officer on receiving a writ for an election shall endorse thereon the date of its receipt. Endorsement on writ

(7) If a writ for an election has been issued to a person in whose stead a returning officer has been appointed under subsection 3, a new writ may be issued or the new returning officer may act under the writ already issued as if it had been addressed to him, and the validity of the proceedings had or taken under the first appointment is not affected by the new appointment, but the new returning officer may appoint a new election clerk and new deputy returning officers, if he thinks fit, in the place of the persons, if any, appointed to such offices by the person previously named returning officer. 1954, c. 25, s. 8. Where appointment is subsequently superseeded

**25.**—(1) The following persons shall not be appointed or act as a returning officer, deputy returning officer, election clerk or poll clerk: Persons excluded from being returning officers, etc.

1. Members of the Executive Council.
2. Members of the Parliament of Canada or of the Assembly.
3. Ministers, priests or ecclesiastics under any form or profession of religious faith or worship.
4. Judges of Federal or Provincial courts.
5. Persons who have served as members of the Assembly in the session next preceding the election, or in the then present session, if the election takes place during a session of the Assembly.
6. Persons who have at any time been found guilty by a competent tribunal of or reported by an election court for corrupt practices.

(2) Every such person who acts as a returning officer, deputy returning officer, election clerk or poll clerk is liable to a penalty of \$200. Penalty

(3) A contravention of this section does not affect the validity of the election. 1951, c. 21, s. 32. Validity of election not affected

Exempted  
persons

**26.** The following persons are not obliged to act as a returning officer, deputy returning officer, election clerk or poll clerk:

1. Physicians and surgeons.
2. Postmasters.
3. Persons sixty years of age or more.
4. Persons who have previously served as returning officers. 1951, c. 21, s. 33.

Penalty for  
refusal to act

**27.** Every person not disqualified by this Act who refuses to perform the duties of returning officer after having received the writ of election is liable to a penalty of \$200, unless, having a right to claim exemption under section 26, he has claimed exemption by letter setting forth the grounds of such exemption and forwarded it to the Chief Election Officer within the two days next after the receipt of the writ of election. 1951, c. 21, s. 34.

Proclama-  
tion by R.O.

**28.—**(1) The returning officer shall after the receipt of the writ by proclamation (Form 7) declare,

- (a) the place and time fixed for the nomination of candidates;
- (b) the day on which the poll for taking the votes of the voters is to be held in case a poll is granted;
- (c) the polling places fixed by him and the territorial limits to which they respectively apply;
- (d) the time when and the place where he will add up the number of votes given to the candidates.

When  
proclamation  
to be  
posted up

(2) The proclamation shall be posed up in the electoral district at least five days before the nomination day, neither the last day of posting up nor the nomination day being reckoned. 1951, c. 21, s. 37.

Place and  
time of  
nomination

**29.** The place for the nomination of candidates shall be the court house, municipal hall or some other public or private building in the most central or the most convenient place for the majority of the voters of the electoral district, and the time appointed for the nomination of candidates shall be from 1 p.m. until 2 p.m. of the day fixed for that purpose, and such nominations are subject to and shall be conducted in accordance with section 49. 1951, c. 21, s. 38; 1954, c. 25, s. 10.

**30.**—(1) The returning officer shall cause the proclamation to be posted up, Places of posting up proclamation

(a) at every post office in the electoral district; and

(b) at least at one other place in every polling subdivision in the electoral district; and

(c) in a municipality divided into wards, at the municipal hall and in some other public place in each ward in the electoral district, and in other local municipalities, at the municipal hall or other place where the meetings of the council are held.

(2) In territory without municipal organization the proclamation shall be posted up in some public place in the neighbourhood of each place at which a poll is to be held. In territory without municipal organization

(3) The proclamation shall be posted up in a conspicuous place and may be posted up on either public or private property. 1951, c. 21, s. 39. May be posted on public or private property

**31.** A returning officer who refuses or neglects to cause the proclamation to be posted up as prescribed by section 30 is liable to a penalty of \$200. 1951, c. 21, s. 40. Penalty

**32.**—(1) Where from any cause the proclamation could not be posted up so as to leave the required delay between the posting up and the nomination day, or the returning officer is unable to hold the nomination on the day fixed for that purpose, he may by proclamation under his hand fix another day for the nomination, which shall be the nearest day practicable, after allowing the required day between the posting up of the proclamation and the nomination day. Unforeseen delays provided for

(2) The proclamation shall be in the like form and shall be posted up in the like manner as provided in section 28. 1951, c. 21, s. 41 (1, 2). Form of proclamation

(3) The polling day shall be the fourteenth day after nomination day. 1951, c. 21, s. 41 (3); 1954, c. 25, s. 11. Polling day

(4) The returning officer, with his return, shall make to the Chief Election Officer a report of the cause that occasioned the postponement of the election. 1951, c. 21, s. 41 (4). Postponement, report as to cause

**33.** Wherever the Lieutenant Governor in Council is satisfied that communication and travel in an electoral district are likely to be dangerous or to be interrupted, he may direct that Communication



all necessary instructions and information relating to the election be transmitted by telephone or by such means as he deems appropriate, including information as to the number of votes given for each candidate and as to all other matters relating to the election, so as to enable the returning officer to return the candidate having the majority, or to make such other return as the case requires, and the Lieutenant Governor in Council may make such order for carrying out this section as he deems proper. 1951, c. 21, s. 42.

#### ELECTION CLERK

Appoint-  
ment of  
election  
clerk

**34.**—(1) The returning officer, by a commission under his hand (Form 8), shall before nomination day appoint a person having the like qualifications as are required in the case of a returning officer to be his election clerk.

Death or  
default of  
election  
clerk

(2) The returning officer may at any time during the election in the same manner appoint another election clerk if the one so appointed dies or refuses or neglects or is unable to perform his duties.

Duties of  
election  
clerk

(3) The election clerk shall assist the returning officer in the performance of his duties, and, if the returning officer dies or refuses or is disqualified or unable to perform his duties and has not been replaced by another, shall act in his stead as returning officer. 1951, c. 21, s. 43.

Oath of  
election  
clerk

**35.** The election clerk before entering upon his duties shall take and subscribe the oath (Form 9). 1951, c. 21, s. 44.

Penalty for  
refusing to  
act

**36.** A person appointed election clerk, who refuses to accept the office, or who, having accepted it, refuses or neglects to take and subscribe the oath, or to perform the duties of an election clerk, is liable to a penalty of \$40. 1951, c. 21, s. 45.

Appoint-  
ment and  
oath to be  
on writ

**37.** The appointment and oath of an election clerk shall be either endorsed on or attached to the writ. 1951, c. 21, s. 46.

Duties and  
liabilities  
when acting  
as R.O.

**38.** An election clerk whose duty it becomes to act in the stead of the returning officer is subject to the same penalties as the returning officer for his neglect or refusal to perform the duties, and to all the obligations of that office, in like manner as if he had been appointed returning officer, and is not required to possess any other qualifications or to take the oath (Form 6). 1951, c. 21, s. 47.

## BALLOT BOXES

**39.**—(1) The returning officer shall, on receiving the writ, provide as many ballot boxes as there are polling places within the electoral district. Ballot boxes to be furnished

(2) Every ballot box shall be made of durable material, provided with lock and key, and so constructed that ballot papers can be deposited therein but cannot be withdrawn without unlocking the box. How made

(3) If the returning officer fails to provide the ballot boxes, he is liable to a penalty of \$100 in respect of every ballot box that he fails to provide. 1951, c. 21, s. 48. Penalty on failure to furnish boxes

**40.** The property in the ballot boxes, ballot papers, marking instruments, books, papers and documents procured for or used at an election is in Her Majesty. 1951, c. 21, s. 49. Property of the Crown

**41.** Where it becomes necessary to use the ballot boxes, the returning officer shall deliver one ballot box to every deputy returning officer at least two days before the polling day. 1951, c. 21, s. 50. Delivery of ballot boxes to D.R.O.

**42.** A deputy returning officer who has not been supplied with a ballot box within the time prescribed in section 41 shall cause one to be made forthwith. 1951, c. 21, s. 51. Duty of D.R.O. as to ballot box

**43.** After the close of the election the returning officer shall deliver the ballot boxes used in the election to the clerks of the several municipalities in the electoral district and to the clerk of the peace in the cases of territory without municipal organization, and the boxes shall be preserved by them for use at future elections. 1951, c. 21, s. 52. Return of ballot boxes to municipal clerks and clerks of peace

## POLLING SUBDIVISIONS

**44.**—(1) The returning officer shall divide his electoral district into polling subdivisions. Polling subdivisions

(2) Where the council of a municipality has divided the municipality into polling subdivisions, the returning officer, in dividing his electoral district into polling subdivisions, may adopt the municipal polling subdivisions. 1954, c. 25, s. 12. Idem

## POLLING PLACES

**45.**—(1) Subject to subsection 3 and to sections 46 and 47, the returning officer, on receiving the writ, shall fix and provide at least one polling place for each polling subdivision in the Polling places

most central or most convenient place for the voters, and, if the board approves, the polling place may be provided outside the limits of the polling subdivision.

Union of  
polling  
subdivisions

(2) The returning officer may unite two or more adjoining polling subdivisions and fix one polling place for the united subdivisions.

Where  
polling  
places not  
to be  
R.S.O. 1960,  
c. 218

(3) The poll shall not be held in a premises licensed under *The Liquor Licence Act* or in a place of public entertainment, and there shall be free access to the poll for every voter.

Additional  
polling  
places

(4) A returning officer may in his discretion grant such additional polling places in any polling subdivision as the extent of the subdivision and the remoteness of any number of its voters from the polling place render necessary.

More than  
one polling  
place in  
subdivision

(5) Where a polling subdivision contains a greater number of voters than may conveniently vote at one polling place, the returning officer, with the approval of the board, may provide one or more additional polling places in the same building or near to one another, having regard to the total number of voters in the polling subdivision.

Division to  
be according  
to initial  
letters of  
voters'  
names

(6) Where there are two or more polling places in a subdivision, each polling place shall be designated by the initial letters of the surnames of the voters who are to vote in such polling place, in the following manner, that is to say, from A to M inclusive, and from N to Z inclusive, or as may be determined by the returning officer.

Where  
voters to  
vote

(7) Every voter the initial letter of whose surname is included within the letters of the alphabet designating a polling place shall vote in the polling place so designated.

Appoint-  
ment of  
D.R.O. for  
additional  
polling  
places

(8) The returning officer shall appoint a deputy returning officer for each such polling place and deliver to him in due time a polling list containing the names of all voters on the proper list of voters for the polling subdivision. 1951, c. 21, s. 54 (1-8).

Where  
village  
includes  
parts of two  
townships  
in different  
electoral  
districts

(9) Where an incorporated village includes parts of two townships lying in different electoral districts, the board of the county or district in which the village or the larger part of the village is situate shall divide the village into two polling subdivisions and shall include the territory in each electoral district in a polling subdivision, and the board may give such directions to the clerk of the village as it deems necessary for the separating of the names of the voters in one polling subdivision from the names of the voters in the other and for

distinguishing between the two classes of names in the list of voters of the village. 1951, c. 21, s. 54 (9), *amended*.

**46.**—(1) The returning officer shall provide a proper polling place and shall ensure that it is furnished with light and heat and such other accommodation and furniture as may be required. R.O. to provide polling places

(2) A polling place may be situated in a schoolhouse, hall or other public building or on private property, or the returning officer may purchase or construct tents or portable booths or movable structures and without charge may set up or erect the same in any street, lane or vacant lot. Location of polling places

(3) The number and location of the polling places are subject to the approval of the board, and the chairman of the board shall certify in writing that the number of polling places and their location are necessary and proper. Number and location of polls, to be approved by board

(4) Where it is found that the returning officer has established a polling place that is unnecessary to accommodate the voters and that such polling place has not been approved by the board, the cost to the Province of establishing such poll and conducting the polling thereat shall be borne by the returning officer and deducted from his fee. Cost of unnecessary poll

(5) The sum of \$12 for every building or part of a building used as a polling place and an additional sum of \$6 for every additional polling place situate in the same building are payable by the returning officer to the persons entitled thereto. 1951, c. 21, s. 55. Amount payable for polling places

#### SOLDIERS' HOSPITALS

**47.**—(1) Where in any electoral district there is situate a hospital or other institution for the reception, treatment or vocational training of persons qualified to vote under paragraph 2 of subsection 1 of section 17, a polling place shall be provided in such institution or upon the premises, and, for the purpose of polling, the institution shall be deemed to be a polling place and every inmate or other person resident in the institution who is entered on the polling list shall vote at such polling place. 1951, c. 21, s. 56 (1), *amended*. Polling places in hospitals, etc.

(2) Where a patient or other inmate of such a hospital or other institution is bed-ridden or is unable to walk, it is lawful for the deputy returning officer and poll clerk with the candidates or their agents to attend upon such person for the purpose of receiving his ballot, but a candidate shall not be present where the ballot of any such voter is marked under section 89. 1951, c. 21, s. 56 (2). In-capacitated patients

## VOTING COMPARTMENTS

Compartment-  
ments for  
voters to  
mark ballots

**48.** Every polling place shall be furnished with compartments in which voters may mark their ballot papers without other persons being able to see how they are marked, and it is the duty of the returning officer and the deputy returning officer respectively to ensure that a sufficient number of compartments is provided at each polling place. 1951, c. 21, s. 57.

## NOMINATIONS

Proceedings  
on nomina-  
tion day

**49.—**(1) The returning officer, at the time and place fixed for the nominations, shall make or cause to be made, in the presence of the voters there assembled, a proclamation (Form 10) and read or cause to be read publicly the writ of election and his commission as returning officer when he has been appointed by commission, and he shall then call for nominations or further nominations to be made in writing in the manner hereinafter set out.

Nomina-  
tions to be  
in writing

(2) The nomination shall be by writing (Form 11) signed by at least 100 duly qualified electors of the electoral district and stating the name, residence and legal addition, occupation or description of the person proposed in such manner as will identify him sufficiently, and a person shall be deemed to be a duly qualified elector if he is qualified to be entered on the list of voters as entitled to vote at the election.

Separately  
for each  
candidate

(3) Each candidate shall be nominated by a separate nomination paper, and a duly qualified elector may sign the nomination papers of different candidates. 1951, c. 21, s. 58 (1-3).

When to  
be filed

(4) The nomination paper shall be produced to and filed with the returning officer at any time during the ten days immediately preceding nomination day or at any time up to the close of nominations on nomination day. 1954, c. 25, s. 13 (1).

Consent of  
candidate

(5) The nomination paper shall be accompanied by the consent in writing of the person therein nominated, except where such person is absent from Ontario when such absence shall be stated in the nomination paper. 1951, c. 21, s. 58 (5).

Certificate  
of R.O. as  
to regularity

(6) Where the nomination paper is filed with the returning officer during the ten days next preceding nomination day or not later than 11 a.m. on nomination day, the returning officer shall then and there examine the paper and if he is satisfied of the regularity thereof he shall so certify in writing, and his

certificate is final and the validity of the nomination is not open to question upon any ground whatsoever. 1954, c. 25, s. 13 (2), *part*; 1955, c. 19, s. 2 (1).

(7) Where the nomination paper is filed with the returning officer after 11 a.m. on nomination day and before the time fixed for the close of nominations, <sup>Nomina-  
tion paper,</sup>

(a) the returning officer shall accept the nomination <sup>acceptance</sup> paper and announce the name of the candidate;

(b) if, on examination of the nomination paper, it <sup>rejection</sup> appears to the returning officer that the nomination is invalid for any reason, he shall communicate the facts to the Chief Election Officer, and he shall not reject the nomination unless the Chief Election Officer authorizes the rejection not later than 2 p.m. on the day next following nomination day, in which case the returning officer shall give notice of the rejection immediately by registered mail to the rejected candidate and all other candidates. 1954, c. 25, s. 13 (2), *part*.

(8) In no case is it necessary for a candidate or his agent <sup>Candidate  
or agent  
need not  
attend</sup> to be present at the nomination meeting. 1955, c. 19, s. 2 (2).

**50.** If more than one candidate is nominated, the returning officer shall grant a poll for taking the votes, and, if he refuses or neglects to do so, he is liable to a penalty of \$1,000, and, if he declares a candidate to be elected, the election is void. 1951, c. 21, s. 59. <sup>Grant of  
poll</sup>

**51.** If only one candidate is nominated, or if by the withdrawal of persons nominated there remains only one candidate, the returning officer, at the expiration of the time in which nominations may be received, shall close the election and openly proclaim the person so chosen to be duly elected. 1951, c. 21, s. 60. <sup>Election by  
acclamation</sup>

**52.** The returning officer shall announce at the place and on the day of nomination, and on or immediately after the day of nomination shall publish at the expense of the candidates, the names and addresses of their official agents in a newspaper published or circulated within the electoral district. 1951, c. 21, s. 61. <sup>Official  
agents</sup>

**53.—(1)** A candidate may withdraw at any time after his nomination and before the opening of the poll by delivering <sup>Withdrawal  
of candidate  
after  
nomination</sup> to the returning officer a declaration in writing (Form 12) to

that effect signed by himself in the presence of a subscribing witness, and any votes cast for a candidate who has so withdrawn are void, and, if after the withdrawal there remains but one candidate, the returning officer shall return as duly elected the candidate so remaining.

Idem

(2) In the case of a candidate withdrawing where there are more than two candidates, the returning officer shall, if possible, cause every deputy returning officer to be notified forthwith of the withdrawal, and notice of the withdrawal shall be posted up in a conspicuous place in every polling place in the electoral district. 1951, c. 21, s. 62.

Death of candidate

**54.** If a candidate dies after being nominated and before the close of the poll, the returning officer shall fix new days for the nomination of candidates and for polling, and the nomination day shall be the nearest day practicable, after allowing the required delay between the posting up of the proclamation and the nomination day, and with his return he shall make to the Chief Election Officer a report of the cause that occasioned the postponement of the election. 1951, c. 21, s. 63.

R.O. to proclaim names of D.R.Os.

**55.** When a poll has been granted, the returning officer, immediately after having granted a poll and before adjourning his proceedings, shall publicly proclaim at the place of nomination as far as practicable the names of the deputy returning officers, and shall on the written request of a candidate furnish him with a list of the deputy returning officers showing the polling place at which each is to act. 1951, c. 21, s. 64.

## POLLING

### PROCEEDINGS PRELIMINARY TO THE POLL

Appointment of D.R.O.

**56.**—(1) The returning officer by a commission under his hand (Form 13) shall appoint a deputy returning officer for every polling place. 1951, s. 21, s. 65 (1).

D.R.O. to be voter

(2) No person shall be appointed a deputy returning officer who is not qualified to vote at the election. 1954, c. 25, s. 14.

Oath of office, etc.

**57.** Every deputy returning officer before acting shall take and subscribe the oath (Form 14). 1951, c. 21, s. 66.

Penalty for refusing to perform duties of office

**58.** A person appointed a deputy returning officer who refuses to accept the office, or who, after having accepted it, refuses or neglects to take and subscribe the oath or to perform the duties of a deputy returning officer, is liable to a penalty of \$100. 1951, c. 21, s. 67.

**59.** In case of the death, illness or absence of a deputy returning officer or his refusal or neglect to act, the returning officer may in the manner provided in section 56 appoint another deputy returning officer to act in his stead, and the appointment and oath of the person so appointed shall be endorsed upon or attached to the poll book. 1951, c. 21, s. 68.

Death or  
absence of  
D.R.O.

**60.** In territory without municipal organization, polls shall be held at such places as are fixed by the returning officer, subject to the approval of the board. 1951, c. 21, s. 69.

Polls in  
districts

**61.** Territory within a newly organized municipality for which there is no assessment roll shall be deemed to be territory without municipal organization within the meaning of section 60. 1951, c. 21, s. 70.

Municipality  
without  
assessment  
roll

**62.** The returning officer shall deliver to each deputy returning officer, at least two days before the polling day, a blank poll book, forms of oaths to be administered to voters, envelopes and sealing-wax, and a screen if one is required. 1951, c. 21, s. 71.

Supplies to  
be furnished  
by returning  
officer

**63.**—(1) If foolscap paper is used for printing the ballot papers, it shall be of a weight of not less than 16 pounds to the ream and, if large post paper is used, it shall be of a weight of not less than 25 pounds to the ream.

Ballot  
papers,  
weight

(2) The paper used shall contain a secret thread or other mark so placed as to run through each column of ballots ruled on every sheet of the ballot paper furnished.

Paper to  
show secret  
marking

(3) The manufacturer of the paper shall furnish security in such amount as is fixed by the Lieutenant Governor in Council that none of the paper manufactured for use in printing the ballots will be supplied by him to any person other than the Queen's Printer, and upon the delivery of the paper the number of sheets shall be counted by the Queen's Printer and a receipt therefor in writing signed by the Queen's Printer shall be given to the manufacturer.

Security to  
be furnished  
by manu-  
facturer

(4) The paper required for the printing of the ballot papers shall be furnished to the Chief Election Officer by the Queen's Printer from time to time as is required, and the Queen's Printer and the Chief Election Officer shall check the number of sheets of ballot paper so furnished and the Chief Election Officer shall give to the Queen's Printer a receipt in writing signed by him.

Queen's  
Printer to  
furnish paper  
to C.E.O.



Supply to  
be furnished  
to R.O.

(5) The Chief Election Officer shall deliver or transmit by express in one or more boxes locked and sealed with his seal to the returning officer for each electoral district a sufficient number of sheets of the paper for the printing of the ballots, and the returning officer shall, upon receiving them, count them and forward his receipt therefor (Form 15) to the Chief Election Officer.

R.O. to see  
to printing  
of ballots

(6) The returning officer shall cause to be printed on the paper furnished to him a sufficient number of ballot papers, not being less than the total number of voters in the electoral district.

Printer to  
give receipt  
for ballot  
paper

(7) The printer shall count the sheets of ballot paper delivered to him and shall give a receipt therefor (Form 16) to the returning officer, and the returning officer shall transmit it with the other papers relating to the election to the Chief Election Officer.

Form of  
ballot

(8) The names of the candidates, alphabetically arranged in the order of their surnames, shall be printed on the ballot paper (Form 17), which shall be provided with a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

Numbering  
ballot papers

(9) The ballot papers shall be numbered consecutively on the back of the stubs and the counterfoils, the same number being printed or written on the stub as on the counterfoil, and shall be bound or stitched in books containing 25, 50 or 100 ballot papers, as is most suitable for supplying the polling subdivisions proportionately to the number of voters in each.

Uniformity

(10) All ballot papers shall be of the same description and as nearly alike as possible.

Printer's  
name

(11) The ballot papers shall bear upon the back the name of the printer who printed them.

Affidavit  
of printer

(12) The printer shall make his affidavit (Form 18) and deliver it to the returning officer with the ballot papers. 1951, c. 21, s. 72.

Supply to  
D.R.O.

**64.** The returning officer shall furnish each deputy returning officer with a sufficient number of ballot papers to supply the voters on the polling list of his polling place or polling subdivision, and a certificate of the number of ballot papers with the necessary materials for voters to mark their ballot

papers, and he shall, when delivering them, make a record of the numbers on the ballot papers delivered to each deputy returning officer, and this record shall be returned to the Chief Election Officer with the other documents required to be returned to him. 1951, c. 21, s. 73.

**65.**—(1) The returning officer shall furnish each deputy returning officer with at least three copies of the printed directions for the guidance of voters in voting (Form 3), and the deputy returning officer shall, before or at the opening of the poll on the day of polling, cause such printed directions to be posted up in conspicuous places outside the polling place and in each compartment of the polling place. Copies of directions to voters for D.R.O.

(2) The deputy returning officer shall count the ballot papers as soon as he receives them from the returning officer and forward a receipt therefor (Form 19) to the returning officer. Receipt to be given by D.R.O. 1951, c. 21, s. 74.

**66.** The Chief Election Officer, before each general election and at least once in every year, shall cause a check to be made of all ballot paper furnished to him, and such paper shall be kept at all times under lock and key and no one shall have access to the place in which it is kept except the Chief Election Officer or some person acting directly under his authority. Custody of ballot paper 1951, c. 21, s. 75.

#### POLL CLERKS

**67.**—(1) Every deputy returning officer shall by a commission under his hand (Form 20) appoint a poll clerk to assist him in taking the poll, and the poll clerk before acting shall take and subscribe the oath (Form 21). Appointment

(2) Every person appointed poll clerk who refuses to accept the office, or who, after having accepted it, refuses or neglects either to take and subscribe the oath or to perform the duties of poll clerk, is liable to a penalty of \$40. 1951, c. 21, s. 78, (1, 2). Penalty

(3) No person shall be appointed a poll clerk who is not qualified to vote at the election. Poll clerk to be a voter 1954, c. 25, s. 16.

**68.** The poll clerk shall assist the deputy returning officer in the performance of the duties of his office, and shall obey his orders. Duties of poll clerk 1951, c. 21, s. 79.

**69.** If the deputy returning officer refuses or neglects to perform the duties of his office, or from any cause becomes unable to perform them, and if no other deputy returning To act as D.R.O. in certain cases

officer appointed by the returning officer appears at the polling place, the poll clerk, under the same penalties as are hereinbefore provided for deputy returning officers in like cases, shall act as deputy returning officer and perform all the duties and is subject to all the obligations of that office, without taking the oath of a deputy returning officer. 1951, c. 21, s. 80.

Appoint-  
ment of  
another poll  
clerk in  
such cases

**70.** Where a poll clerk acts as deputy returning officer, he may appoint by a commission under his hand (Form 20) another person as poll clerk to assist him in the performance of the duties of his office, and may administer the oath to him, and such commission and oath shall be endorsed on or attached to the poll book. 1951, c. 21, s. 81.

Appoint-  
ment of  
clerk in  
certain cases

**71.** If a poll clerk refuses or neglects to perform the duties of his office or from any cause becomes unable to perform them, the deputy returning officer may appoint another person as poll clerk, and the commission and the oath shall be endorsed on or attached to the poll book. 1951, c. 21, s. 82.

#### CONSTABLES

Constable  
at polling  
place

**72.** The deputy returning officer may appoint a constable to preserve order at his polling place, but such appointment shall not be made unless it has been authorized in writing by the returning officer or unless a breach of the peace or a contravention of the law is threatened or anticipated. 1951, c. 21, s. 83.

#### WHERE VOTERS TO VOTE

Voter to  
vote in  
subdivision  
in which he  
resides

**73.—(1)** Subject to section 74, if the name of a person entitled to vote is entered on the polling list for more than one polling subdivision, he shall vote only at the polling place for the subdivision in which he resides at the time of the polling, if entitled to vote in such subdivision.

Penalty

**(2)** A person who votes in contravention of subsection 1 is liable to a penalty of \$200. 1951, c. 21, s. 84.

D.R.O., poll  
clerk and  
agents may  
vote at  
polling  
places  
where they  
are em-  
ployed

**74.—(1)** The returning officer, on the request of a person entitled to vote who has been appointed a deputy returning officer or poll clerk or agent of any of the candidates at a polling place other than the one at which he is entitled to vote, shall give him a certificate (Form 22) that he is entitled to vote at the polling place at which he is stationed during the polling day, and the certificate shall bear the date upon which it is signed by the returning officer.

(2) The returning officer shall not give such a certificate until he has ascertained by reference to the polling list that the applicant is entitled to vote, and after giving the certificate he shall forthwith give notice in writing thereof to the deputy returning officer for the polling subdivision or polling place in which the applicant appears by the polling list to be entitled to vote, and the person to whom the certificate has been given is not thereafter entitled to vote in such polling subdivision or polling place.

When certificate for that purpose may be given

(3) The returning officer is not required to give the certificate unless requested to do so at least two days before polling day.

Time of request

(4) The certificate shall designate the polling place at which the person is to be permitted to vote.

Polling place to be designated

(5) The returning officer shall enter in a list the name, residence and occupation of every person to whom he gives a certificate under this section, the polling place at which the person is authorized to vote under the certificate, and the polling subdivision or polling place in or at which the person appears by the polling list to be entitled to vote, and state therein whether the certificate is granted to him as deputy returning officer, poll clerk or agent, and if as agent, the name of the candidate for whom he is agent, and the entry shall be made before the certificate is delivered.

R.O. to keep a list of persons obtaining certificates

(6) The returning officer shall also enter in the list the name of every person applying for a certificate to whom it was refused with the ground of refusal, and, if the last-mentioned person claimed to be the agent of a candidate, the name of the candidate, and the list shall be open to inspection by any candidate or by his agent or by any voter.

Entry of refusal of certificate

(7) A returning officer shall not give certificates to more than two agents for the same candidate at one polling place and he shall not give a certificate under this section except upon the personal or written request of the applicant, and a returning officer who gives a certificate in contravention of this subsection is liable to a penalty of \$400. 1951, c. 21, s. 85.

Limitation on number of certificates agents

**75.**—(1) A person to whom a certificate is given under section 74 is on its production entitled to vote at the polling place designated therein, but the certificate does not entitle him to vote there unless he has been actually engaged there as a deputy returning officer, poll clerk or agent during polling day.

On production of certificate of R.O.

Person  
receiving a  
certificate  
to take  
oath of  
qualification  
before voting

(2) A person who receives a certificate, whether a deputy returning officer, poll clerk or agent, shall not vote until he has taken one or other of the oaths of qualification, and any person who contravenes this subsection is liable to a penalty of \$400. 1951, c. 21, s. 86 (1, 2), *amended*.

Before  
whom oath  
to be taken

(3) The oath shall be administered to a deputy returning officer by the poll clerk, and to a poll clerk or agent by the deputy returning officer.

Entry on  
list of  
persons  
voting under  
authority of  
a certificate

(4) The deputy returning officer shall enter or cause to be entered in the column for remarks in the poll book (Form 5), opposite the name, residence and occupation of every person, including himself if he so votes, voting under the authority of a certificate, the words "Voted under Certificate".

Certificate  
to be  
delivered by  
person  
voting

(5) A person voting under the authority of a certificate shall deliver it to the deputy returning officer before receiving his ballot paper.

Preservation

(6) The deputy returning officer shall enclose all such certificates in one envelope. 1951, c. 21, s. 86 (3-6).

#### THE POLL

Hours of  
polling  
generally

**76.**—(1) Subject to subsection 2, the polls at every election to the Assembly shall open at 8 a.m. and shall remain open until 7 p.m. of the same day and the voting shall be by ballot in the manner provided by this Act.

When board  
may provide  
for earlier  
opening

(2) Where the board deems it desirable for the convenience of the voters that the polls should be opened in any municipality or electoral district at an earlier hour than 8 a.m., the board may direct the polls to be opened in such municipality or electoral district at any time earlier than 8 a.m., but not earlier than 6 a.m., as the board deems expedient. 1951, c. 21, s. 87.

#### ADVANCE POLLS

Advance  
polls

**77.**—(1) The returning officer, with the approval of the board in each electoral district in which the necessity for such action arises, shall provide polls for the purpose of receiving the votes of voters who expect to be absent from the electoral district on the day fixed for polling. 1951, c. 21, s. 88 (1); 1954, c. 25, s. 17 (1).

(2) Polls for receiving the votes of such voters shall be held and kept open from 8 a.m. until 5 p.m. and from 7 p.m. until 10 p.m. on the Thursday, Friday and Saturday of the week preceding the week during which the poll is to be held, and, if a holiday falls upon any of such days, the poll shall be held on the Wednesday of the same week in lieu of such holiday.

(3) The returning officer shall, with the approval of the board, fix the polling places and appoint a deputy returning officer and poll clerk for each polling place.

(4) Notice of the times and places at which polls will be opened (Form 23) shall, prior to the day so fixed for holding the poll, be given by the returning officer by posting up notices at each of the polling places so appointed and in conspicuous places in the electoral district and, where possible, by advertisement in a newspaper published or circulated in the electoral district. 1951, c. 21, s. 88 (2-4).

(5) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the deputy returning officer to make the following declaration, which shall be kept by the deputy returning officer with the other records of the poll:

I, ....., declare that I expect to be absent from the electoral district of ....., where I am ordinarily resident, on the day for holding the poll at the coming election.

Dated at..... this..... day of....., 19.....

.....  
(Signature of Voter)

Witness:

.....  
Deputy Returning Officer

1951, c. 21, s. 88 (5); 1954, c. 25, s. 17 (2).

(6) Any person signing any such declaration knowing that any statement therein is false is liable to a penalty of \$200.

(7) The poll clerk shall record in the poll book in the column headed "Remarks" after the name of each person who votes a note that he has made the declaration mentioned in subsection 5 and the number of the polling subdivision in which he is entered on the list of voters.

Ballot box  
not to be  
opened

(8) The ballot box shall not be opened after the opening of the poll until 7 p.m. on the general polling day, but on adjourning the poll each day the deputy returning officer shall, and any candidate or agent present who desires to do so may, affix his seal to the ballot box in such manner that it cannot be opened or any ballot deposited in it without breaking the seal.

List of  
persons  
voting

(9) At the close of the poll each day, the deputy returning officer shall forthwith make up and deliver or mail to the returning officer a list of the names of all persons who have voted showing in each case the number of the polling subdivision in which the voter is entered on the polling list, and the returning officer shall, at the request of any candidate, furnish him with a copy of such list.

Noting other  
deputy  
returning  
officers' lists

(10) Upon receiving from the deputy returning officer the list mentioned in subsection 9, the returning officer shall make an entry in the polling list to be supplied to each deputy returning officer on polling day opposite the name of each voter whose name appears on such list and whose vote has been received at an advance poll, showing that such voter has polled his vote.

Close of poll

(11) On the general polling day, the deputy returning officer shall, in the presence of such candidates and agents as are present at the hour fixed for the closing of the poll, open the ballot boxes, count the votes and perform all other duties required of deputy returning officers by sections 102 to 109. 1951, c. 21, s. 88 (6-11).

#### MARINERS VOTING BY PROXY

Mariner's  
right to  
vote by  
proxy

**78—**(1) Where the name of a person is entered on the polling list for a polling subdivision as entitled to vote at elections to the Assembly and he is a mariner, he is entitled to vote by proxy as provided in this section.

Appoint-  
ment of  
proxy

(2) A mariner may appoint in writing (Form 24) a proxy who shall be the wife, husband, parent, brother, sister or child of the mariner, of the full age of twenty-one years and an elector entitled to vote in the electoral district in which the mariner is qualified to vote.

Term of  
appoint-  
ment

(3) The appointment of a proxy shall name the person authorized to vote at an election for which a writ has been issued for the electoral district, and no appointment of a proxy is valid unless it is made after the date of the issue of the writ of election nor does it remain in force after the return of the writ.

(4) A person who has been appointed a voting proxy may apply to the revising officer at the sittings held for the revision of the lists in accordance with *The Voters' Lists Act* in the municipality in which the mariner is entitled to vote, to be entered upon such list. Application of proxy to be entered on list R.S.O. 1960, c. 420

(5) The revising officer shall take evidence on oath as to the right of the mariner to vote in the subdivision of the municipality upon the list of which his name is entered and as to the qualifications of the voting proxy, and, if the revising officer finds that the mariner is duly qualified and that the voting proxy is qualified to act for the mariner, he shall give a certificate across the face of the appointment of the voting proxy to that effect (Form 25) and shall cause the name of the voting proxy to be entered on the polling list after the name of the mariner. Evidence to be taken by revising officer

(6) No more than one person shall be appointed a voting proxy on behalf of a mariner at any election. Not more than one proxy

(7) A ballot paper shall not be delivered to a person who claims to vote as a voting proxy unless he produces his appointment as a voting proxy to the deputy returning officer with the certificate of the revising officer thereon as provided in subsection 5 and takes the oath (Form 26). Oath on voting

(8) The deputy returning officer shall record in the poll book the fact that the mariner voted by proxy, showing the name of the proxy, and shall file the proxy and certificate with the election papers and return them to the returning officer in the envelope provided for that purpose. Record of voting by proxy

(9) The Lieutenant Governor in Council may prescribe any other forms that he deems necessary for the purposes of this section and may make regulations as to the mode in which proxies may be given and generally for the better carrying into effect of this section and preserving the secrecy of voting in pursuance thereof. Forms and regulations

(10) A person who has been appointed as a voting proxy is entitled to vote in his own right in the electoral district notwithstanding that he has voted as a proxy for a mariner. Proxy may vote in own right

(11) Every person who,

General penalties

(a) attempts to vote at an election otherwise than by means of such voting proxy while such voting proxy is in force; or



- (b) votes or attempts to vote at any election under the authority of a voting proxy when he knows or has reasonable grounds for supposing that his appointment has been cancelled or that the voter who made the appointment is dead or is no longer entitled to vote,

is guilty of an illegal practice within the meaning of this Act and is liable to a penalty of \$200 and to be imprisoned for six months. 1951, c. 21, s. 89.

#### VOTING BY BALLOT

Voting to be  
by ballot

**79.** The votes shall be given by ballot. 1951, c. 21, s. 90.

#### PROCEDURE AT POLL

Attendance  
of D.R.O.

**80.**—(1) The deputy returning officer shall attend at the polling place at least fifteen minutes before the hour fixed for opening the poll.

Counting  
ballots  
before  
opening of  
poll

(2) During such fifteen minutes and before the opening of the poll, the agents who are entitled to be present in the polling place during polling hours are entitled to have the ballot papers intended for use thereat counted in their presence and to inspect the ballot papers and all other papers, forms and documents relating to the poll. 1951, c. 21, s. 91.

Deputy to  
show box  
empty, and  
lock and  
seal it

**81.** The deputy returning officer shall, before opening the poll, show the ballot box to such persons as are present in the polling place so that they may see that it is empty, and he shall then lock the box and place his seal upon it in such manner as to prevent its being opened without breaking the seal, and he shall then place and keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed. 1951, c. 21, s. 92.

One voter  
only for  
each com-  
partment

**82.** Not more than one voter for each compartment shall enter the room where the poll is held at any one time, and each voter upon so entering shall declare his name, place of residence and occupation, which particulars shall be entered in the poll book by the poll clerk, a consecutive number being prefixed to the name. 1951, c. 21, s. 93.

Persons on  
polling list  
to be  
allowed to  
vote on  
taking oath  
if required

**83.** Subject to sections 75 and 84, the deputy returning officer shall not receive the vote of any person whose name is not entered on the polling list, but shall receive the vote of every person whose name is entered thereon, if such person,

where required by a candidate or his agent, or by the deputy returning officer, takes the oath of qualification (Form 27 or 28) and the oath of allegiance (Form 29) or whichever is required to be taken. 1951, c. 21, s. 94.

**84.—**(1) In rural polling subdivisions, the deputy returning officer, if required by a person whose name has been omitted in error from the polling list and who is vouched for by a voter whose name is on the polling list and who is resident in the polling subdivision, shall administer to such person an oath in the following form:

You swear that your name is (*full name of applicant*), that you reside at (*give street, number, lot, concession, etc.*), that your name as you believe has been omitted in error from the polling list, and that you are a British subject and qualified to vote at this election. So help you God.

(2) In urban polling subdivisions, the deputy returning officer, if requested by a person whose name has been omitted in error from the polling list but whose name appears on the municipal list of voters for the polling subdivision in which he resides and who is vouched for by a voter whose name is on the polling list and who is resident in the polling subdivision, shall administer to such person an oath in the following form:

You swear that your name is (*full name of applicant*), that you reside at (*give street, number, lot, concession, etc.*), that your name appears on the municipal list of voters for the polling subdivision in which you reside, that your name as you believe has been omitted in error from the polling list, and that you are a British subject and qualified to vote at this election. So help you God.

(3) To the voter vouching for a person under subsection 1 or 2, the deputy returning officer shall administer an oath in the following form:

You swear that your name is (*full name of voter*), that you reside at (*give street, number, lot, concession, etc.*), that you are the person named by the said name in the polling list, that you well know (*insert name of applicant*), and that he is as you believe duly qualified to be entered on the polling list and to vote at this election. So help you God.

(4) The deputy returning officer, after administering the prescribed oaths, shall cause the applicant's name to be added to the polling list with the word "sworn" written thereafter.

(5) The applicant, upon taking the oath and being vouched for, is entitled to vote. 1954, c. 25, s. 18, *amended*.

Administra-  
tion of oath  
to D.R.O.  
voting at  
his polling  
place

**85.** Where a deputy returning officer votes at the polling place at which he has been appointed to act, the poll clerk or in his absence the agent of a candidate authorized to be present may administer to him the oath to be taken by a voter. 1951, c. 21, s. 96.

When  
D.R.O. to  
swear voter

**86.—(1)** If a deputy returning officer has reason to believe that a person offering to vote is not a qualified voter or has already voted, or tenders his vote under a false name or designation or personates or represents himself falsely as being upon the polling list, the deputy returning officer shall administer the prescribed oath to the voter, whether he has been requested to do so or not.

Penalty

**(2)** Every deputy returning officer who acts in contravention of this section is liable to a penalty of \$200. 1951, c. 21, s. 97.

D.R.O. to  
put initials  
on back of  
ballot paper  
and number  
on counter-  
foil

**87.** Every person who is entitled to vote shall receive from the deputy returning officer a ballot paper on the back of which the deputy returning officer has previously put his initials so placed as indicated in Form 17 that when the ballot is folded they can be seen without opening it, and on the back of the counterfoil of which he has placed a number corresponding to that placed opposite the voter's name in the poll book. 1951, c. 21, s. 98.

Instructions  
to voter

**88.** The deputy returning officer shall, upon the request of the voter, instruct him how to mark and fold his ballot paper, but without inquiring or seeing for whom he intends to vote except in the cases provided for by section 89. 1951, c. 21, s. 99.

Voter in-  
capacitated  
by blindness,  
etc.

**89.—(1)** On the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, the deputy returning officer shall require the voter making the application to take an oath (Form 30) of his incapacity to vote without assistance, and shall thereafter assist the voter by marking his ballot in the manner directed by the voter in the presence of the agents of the candidates in the polling place and of no other person, and place the ballot in the ballot box.

Blind voter's  
ballot  
marked by  
friend

**(2)** The deputy returning officer shall either deal with a blind voter in the manner provided in subsection 1 or, at the request of any blind voter who has taken the oath (Form 30) and is accompanied by a friend, shall permit the friend to accompany the blind voter into the voting compartment and mark the voter's ballot for him.

(3) Any friend who is permitted to mark the ballot of a blind voter under subsection 2 shall first be required to take an oath (Form 31) that he will keep secret the name of the candidate for whom the ballot of the blind voter is marked by him. Oath of friend

(4) No person shall be allowed to act as the friend of more than one blind voter at any polling place. May act as friend once only

(5) The deputy returning officer shall enter in the column for remarks in the poll book opposite the voter's name the reason why the ballot paper was marked by him or by a friend of the voter. 1951, c. 21, s. 100. Entry in poll book

**90.**—(1) Where a voter does not understand the English language, the deputy returning officer may employ an interpreter to translate the oath as well as any lawful questions necessarily put to the voter and his answers, and the interpreter shall take the following oath: Voters who cannot speak English

I swear that I will faithfully translate the oaths, declarations, questions and answers that the deputy returning officer requires me to translate at this election. So help me God.

(2) If no interpreter is found or presents himself at the polling place, the voter shall not be allowed to vote. 1951, c. 21, s. 101. If no interpreter, no vote

**91.** The voter on receiving his ballot paper shall forthwith proceed into one of the compartments of the polling place and there mark his ballot paper, making a cross with a pen or pencil within the white space containing the name of the candidate for whom he intends to vote and shall then fold the ballot paper so that the initials on the back of it and the number on the counterfoil can be seen without opening it, and hand it to the deputy returning officer, who shall, without unfolding it, ascertain by examining his initials, and the number on the counterfoil, that it is the same ballot paper that he furnished to the voter, and shall then, in full view of all present, including the voter, remove the counterfoil and tear up or otherwise destroy it and place the ballot paper in the ballot box. 1951, c. 21, s. 102. Mode of marking, folding and depositing ballot paper

**92.** The poll clerk shall enter in the poll book opposite the name of each voter voting the word "Voted" as soon as the ballot paper has been deposited in the ballot box, and shall enter in the same book the word "Sworn" or "Affirmed" opposite the name of each voter to whom the oath has been administered, and the words "Refused to be Sworn" or "Refused to Affirm" opposite the name of each voter who has refused to take an oath when he has been required so to do. 1951, c. 21, s. 103. Entries to be made in poll book as to voters

Voters  
refusing to  
be sworn

**93.**—(1) A person who has refused to take the oath when required so to do shall not receive a ballot paper or vote, and the vote of such person, if taken and received, is void.

Penalty

(2) Every deputy returning officer who receives such vote or causes it to be received is liable to a penalty of \$200. 1951, c. 21, s. 104.

Voter to  
leave as  
soon as  
possible

**94.** A voter shall vote without undue delay and shall leave the polling place as soon as his ballot paper has been placed in the ballot box. 1951, c. 21, s. 105.

Exclusion  
from  
balloting  
compartment

**95.** While a voter is in a compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment or to be in a position from which he can see for whom the voter marks his ballot paper. 1951, c. 21, s. 106.

Voter not  
to take his  
paper from  
polling place,  
etc.

**96.** A person who has received a ballot paper shall not take it out of the polling place, and a person who receives a ballot paper and leaves the polling place without delivering it to the deputy returning officer, or returns his ballot paper declining to vote, forfeits his right to vote, and the deputy returning officer shall make an entry in the poll book in the column for remarks to the effect that the person received a ballot paper, but took it out of the polling place or returned it declining to vote, as the case may be, and in the latter case the deputy returning officer shall immediately write the word "Declined" upon the ballot paper and preserve it to be returned to the returning officer. 1951, c. 21, s. 107.

Voter who  
alleges he  
has been  
personated

**97.**—(1) If a person representing himself to be a voter applies for a ballot paper after another person has voted as such voter, he is entitled to receive a ballot paper and to vote after taking the oath and otherwise establishing his identity to the satisfaction of the deputy returning officer. 1951, c. 21, s. 108 (1).

Name of  
voter, etc.,  
to be  
entered in  
poll book

(2) The name of the voter shall be entered on the poll book and a note shall be made of his having voted on a second ballot paper and of the fact of the oath having been taken and of any objections made on behalf of any and of which of the candidates. 1951, c. 21, s. 108 (3).

Where ballot  
paper  
accidentally  
spoilt

**98.** A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used, upon returning it to the deputy returning officer, is entitled to obtain another ballot paper, and the deputy returning officer shall immediately write the word "Cancelled" upon the first-mentioned ballot paper and preserve it to be returned to the returning officer. 1951, c. 21, s. 109.

**99.** A person who applies for a ballot paper shall by so doing be deemed to have tendered his vote or to have offered to vote, and a person who has placed or caused to be placed his ballot paper in the ballot box, or has delivered it to the deputy returning officer or poll clerk for the purpose of having it placed in the ballot box, shall be deemed to have voted. 1951, c. 21, s. 110.

What shall be deemed a tender of a vote and a voting

**100.** In addition to the deputy returning officer, the poll clerk, the constable or constables, the candidates and their agents, not exceeding two in number for each candidate, and no others, shall be permitted to remain in the polling place during the time the poll remains open and at the counting of the votes. 1951, c. 21, s. 111.

Who may be in polling place

**101.**—(1) Every employee who is a qualified voter shall, while the polls are open on a polling day at an Ontario election, have three consecutive hours for the purpose of casting his vote, and, if the hours of his employment do not allow for three consecutive hours, his employer shall, at the convenience of the employer, allow him such additional time for voting as is necessary to provide the three consecutive hours.

Consecutive hours for voting

(2) No employer shall make any deduction from the pay of any such employee nor impose upon or exact from him any penalty by reason of absence from his work during such consecutive hours.

Deduction from pay prohibited

(3) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other way, interferes with the granting to any voter in his employ of the consecutive hours for voting, as in this section provided, is guilty of an offence and on summary conviction is liable to a fine of \$200 and an additional amount equal to the amount of any deduction or reduction that he has made in contravention of this section. 1951, c. 21, s. 112, *amended*.

Offence

#### PROCEEDINGS AFTER CLOSE OF POLL

**102.** Immediately after the close of the poll, the deputy returning officer shall place all the cancelled and declined ballot papers in separate envelopes and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted and make an entry thereof on the line immediately below the name of the voter who voted last, thus: The number of voters who voted at this election in this polling place is (*stating the number*), and he shall sign his name thereto; then, in the presence and in full view of the

Duties of deputy returning officer after close of poll

persons entitled to be present, he shall open the ballot box and proceed to count the number of votes for each candidate, giving full opportunity to those present to examine each ballot paper. 1951, c. 21, s. 113.

What ballot  
papers to  
be rejected  
in counting  
votes

**103.** In counting the votes, the deputy returning officer shall reject all ballot papers, herein called "rejected ballot papers",

- (a) that have not been supplied by him; or
- (b) by which votes have been given for more than one candidate; or
- (c) upon which there is any writing or mark by which the voter can be identified,

but no word, letter or mark written or made or omitted to be written or made by the deputy returning officer on a ballot paper avoids it or warrants its rejection. 1951, c. 21, s. 114; 1954, c. 25, s. 20.

Objections  
to be noted

**104.**—(1) The deputy returning officer shall make a note of every objection taken to a ballot paper by a candidate or his agent, and shall decide the objection subject to review on recount or on petition questioning the election or return.

and  
numbered  
and initialled

(2) Each objection shall be numbered and a corresponding number placed on the back of the ballot paper and initialled by the deputy returning officer. 1951, c. 21, s. 115.

How ballots  
to be  
counted

**105.**—(1) All the ballot papers not rejected by the deputy returning officer shall be counted and an account of the number of ballots cast for each candidate and of the number of rejected and cancelled ballot papers and all the ballot papers indicating the votes given for each candidate respectively shall be put into separate envelopes.

Rejected  
and unused  
ballot papers

(2) All rejected and unused ballot papers shall be put into separate envelopes, which shall be endorsed so as to indicate their contents and sealed by the deputy returning officer, and any agent present may write his signature across the flap of the envelope and may also affix his seal. 1951, c. 21, s. 116.

Statement  
of result  
to be made  
by D.R.O.

**106.**—(1) The deputy returning officer shall make out a statement in triplicate (Form 32), one part to remain attached to the poll book, another to be retained by him, and the third to be enclosed by him in a special envelope supplied for the purpose, which he shall seal and deposit in the ballot box.

(2) The statement shall be signed forthwith by the deputy returning officer and poll clerk and such of the candidates or their agents as may be present who desire to sign it. <sup>Signatures to statement</sup>

(3) The deputy returning officer shall then deliver to each of the candidates, or to their agents, a certificate (Form 33) of the number of ballots cast for each candidate and of the number of rejected ballot papers. 1951, c. 21, s. 117. <sup>Certificate of result of poll</sup>

**107.** The poll clerk immediately after the completion of the counting of the votes shall take and subscribe the oath (Form 34). 1951, c. 21, s. 118. <sup>Oath of poll clerk</sup>

**108.** The poll book, the polling list, the envelopes containing the ballot papers, and all other documents that served at the election shall then be placed in the large envelope supplied for the purpose, which shall then be sealed and placed in the ballot box. 1951, c. 21, s. 119. <sup>Poll book, envelopes, etc., to be placed in large envelope in ballot box</sup>

**109.**—(1) The deputy returning officer shall then lock and seal the ballot box and forthwith deliver it personally to the returning officer, and, if he is unable to do so owing to illness or other imperative cause, he shall deliver it to the poll clerk, or, where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering it to the returning officer, and shall thereon, or on a ticket attached thereto, write the name of the person to whom the box was delivered, and shall take a receipt therefor, and the poll clerk or person so chosen shall forthwith personally deliver the ballot box to the returning officer and shall take before him the oath (Form 35.) <sup>Ballot box to be delivered to R.O.</sup>

(2) The candidates or their agents are entitled to be present when the ballot box is delivered pursuant to subsection 1. <sup>Right of candidates, etc., to be present</sup>

(3) In lieu of proceeding under subsection 1, after locking and sealing the ballot box, the deputy returning officer may forward it by registered mail to the returning officer. 1951, c. 21, s. 120 (1-3). <sup>Ballot box may be forwarded by registered mail</sup>

(4) As soon as the deputy returning officer has complied with subsection 1 or 3, he shall take and subscribe the oath (Form 36) and shall personally deliver or transmit it by registered mail to the returning officer. 1951, c. 21, s. 120 (4), *amended*. <sup>Oath of D.R.O.</sup>

**110.** When the returning officer receives a ballot box, he shall take every precaution for its safekeeping and for preventing any person other than himself and the election clerk <sup>Duty of R.O. on receipt of boxes</sup>



from having access to it, and immediately on the receipt of a ballot box he shall seal it with his own seal in such a way that it cannot be opened without his seal being broken and without effacing or covering the seals affixed to it. 1951, c. 21, s. 121.

Count by  
R.O. and  
declaration  
of result

**111.** The returning officer, at the place, day and hour appointed by his proclamation and after having received all the ballot boxes, shall open them and the large envelopes containing the poll books and the envelopes containing the statements of the poll, but not any of the other sealed envelopes, and shall, in the presence of the election clerk and of the candidates or their agents, if present, add up the votes given for each candidate from the statements of the poll contained in the ballot boxes, and shall forthwith declare to be elected the candidate having the largest number of votes. 1951, c. 21, s. 122, *revised*.

Casting  
vote

**112.** If on the addition of the votes by the returning officer an equal number of votes is found to have been cast for two or more candidates and an additional vote would entitle one of them to be declared elected, the returning officer shall give the additional or casting vote. 1951, c. 21, s. 123.

PROCEEDINGS IN CASE OF NON-RETURN OF  
BALLOT BOXES, ETC.

Adjourn-  
ment of  
proceedings  
where ballot  
boxes not  
delivered

**113.** If all the ballot boxes are not returned on the day fixed for adding up the votes, the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the day originally fixed. 1951, c. 21, s. 124.

Where  
default made  
by D.R.O.  
in returning  
documents

**114.** If a deputy returning officer has not enclosed in the ballot box the statement of the ballot papers counted by him as required by this Act, or if for any other cause the returning officer cannot, at the day and hour appointed by him for adding up the votes, ascertain the number of votes given for each candidate, he may adjourn to a future day and hour the adding up of the votes, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks. 1951, c. 21, s. 125.

Disappea-  
rance of  
ballot boxes,  
duty of R.O.

**115.** If any of the ballot boxes have been destroyed or lost, or, for any other reason, are not forthcoming by the time fixed for adding up the votes, the returning officer shall ascertain the cause and shall procure from each deputy returning officer whose ballot box is missing, or from any other person having them, the statements and certificates of the number of votes given for each candidate, or copies of them, the whole to be verified by oath. 1951, c. 21, s. 126.

**116.** If the statements and certificates, or any of them, or copies of them, cannot be procured, the returning officer shall ascertain by such evidence as he is able to obtain the total number of votes given for each candidate at the several polling places, and may summon any deputy returning officer, poll clerk or other person to appear before him at a time and place to be named by him, with all necessary papers and documents, of which time and place and of the intended proceedings the candidates shall have notice, and the returning officer may examine on oath such deputy returning officer, poll clerk or other person respecting the matter in question. 1951, c. 21, s. 127.

Procedure of R.O. where lists, statements, etc., cannot be found

**117.** In case of an adjournment by reason of any deputy returning officer not having placed in the ballot box a statement of the ballot papers counted by him, the returning officer shall, in the meantime, use all reasonable efforts to ascertain the number of votes given for each candidate at the polling place of such deputy returning officer and has the powers conferred by section 116. 1951, c. 21, s. 128, *revised*.

When D.R.O. has neglected to deliver statement of result

**118.** The returning officer shall return the candidate having the largest number of votes, and shall mention specially in a report to be sent with the return the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement, and the mode by which he ascertained the number of votes given for each candidate. 1951, c. 21, s. 129.

Special report by R.O.

#### RECOUNT OR FINAL ADDITION BY COUNTY JUDGE

**119.—(1)** In this section and in sections 120 to 132, “judge” means the judge of the county or district court, and, where there are two or more judges, the senior judge or, in the case of the illness or absence of the senior judge or where the senior judge requests him to act, a junior judge. 1951, c. 21, s. 130 (1).

Interpretation

(2) If within four days after the day on which the returning officer added the votes for the purpose of declaring a candidate elected, upon the application of a candidate or a voter, it is made to appear by affidavit to the judge of the county court of the county in which the electoral district or any part of it is situate,

Where recount may be had

- (a) that a deputy returning officer has in counting the votes improperly counted any ballot paper, improperly rejected any ballot paper or made an incorrect statement of the number of ballots cast for any candidate; or

(b) that the returning officer has improperly added up the votes,

and, if the applicant deposits within that time with the clerk of the county court the sum of \$100 in legal tender, money order or a cheque drawn upon and accepted by a chartered bank or trust company doing business in Ontario as security for the costs in connection with the recount or final addition of the candidate appearing by the addition to be elected, the judge may appoint a time and place to recount or finally add up the votes cast at the election. 1951, c. 21, s. 130 (2), *amended*.

What judge  
to hold  
recount  
when district  
in two or  
more  
counties

(3) Where the electoral district comprises parts of two or more counties, the application shall be made to and the recount or final addition shall take place before the judge of the county court of the county having the larger or largest population according to the last Federal census. 1951, c. 21, s. 130 (3).

Notice of  
time and  
place of  
recount

**120.** At least two days notice in writing of the time and place appointed shall be given to the candidates, the returning officer and the election clerk, and the judge may, at the time of the application or afterwards, direct that service of the notice upon the candidates, the returning officer and the election clerk may be substitutional or be made by mail or in such other manner as he thinks fit. 1951, c. 21, s. 131.

R.O. to  
withhold  
return

**121.** The returning officer after the receipt of the notice shall delay making his return to the Chief Election Officer until he receives a certificate from the judge of the result of the recount or final addition, and, upon receipt of the certificate, he shall make his return. 1951, c. 21, s. 132.

Presence  
of county  
court clerk

**122.** The judge may require the clerk of the county court to be present at the time and place appointed. 1951, c. 21, s. 133.

Summoning  
officers to  
be present  
with  
documents

**123.—**(1) The returning officer and his election clerk shall attend at the time and place appointed with the envelope containing the ballot papers or the original statements of the poll, as the case may be.

Production  
and custody  
of ballot  
papers on  
a recount

(2) The ballot papers and original statements shall continue in the custody of the returning officer, and he is responsible for them subject to any direction that the judge may give with respect thereto. 1951, c. 21, s. 134.

Who to be  
present at  
recount

**124.** The returning officer and the election clerk shall be present at the recount or final addition, and each candidate is entitled to be represented by not more than two agents, and may himself be present, and, except with the sanction of the judge, no other person shall be present. 1951, c. 21, s. 135.

**125.** At the time and place appointed and in the presence of such of the persons mentioned in section 124 as are present, the judge shall make the final addition from the statements contained in the ballot boxes returned by the deputy returning officer, or recount all the votes or ballot papers returned by the deputy returning officers, as the case may be, and shall, in the latter case, open all the sealed envelopes containing,

Procedure  
by judge

- (a) the used ballot papers that have been counted;
- (b) the rejected ballot papers;
- (c) the cancelled ballot papers;
- (d) the declined ballot papers;
- (e) the unused ballot papers. 1951, c. 21, s. 136.

**126.**—(1) The judge shall, as far as practicable, proceed continuously, allowing only time for refreshment, and excluding, except so far as he and the persons present agree, the hours between 6 p.m. and 9 a.m.

Recount to  
proceed  
continuously

(2) During such excluded time and time for refreshment, the judge shall keep the ballot papers and other documents relating to the election secure under his own seal and the seals of such of the other persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of such papers and documents. 1951, c. 21, s. 137, *revised*.

Care of  
documents  
during  
recount

**127.** The judge shall, in the case of a recount, proceed according to the rules of the counting of the ballot papers at the close of the poll by the deputy returning officer and shall verify and correct the statement of the poll (Form 32). 1951, c. 21, s. 138.

Rules to  
govern  
judge in  
proceedings

**128.**—(1) Upon the completion of the recount, the judge shall seal up all the ballot papers in their separate envelopes and, upon the completion of the final addition, he shall seal up the original statements in their respective envelopes.

Sealing up  
ballots at  
close of  
recount

(2) If either party requests him to do so, the judge shall number on the back the disputed ballots and enclose them in a separate envelope. 1951, c. 21, s. 139.

Distinguishing  
disputed  
ballots

**129.**—(1) The judge shall, if necessary or required, review the decision of the returning officer with respect to the number of votes given for a candidate at any polling place where the ballot box used was not forthcoming when he made his decision, or when the proper statements or papers were not found therein.

Reviewing  
decision of  
R.O. when  
ballot box  
or documents  
missing

Powers of  
judge

(2) For the purpose of arriving at the facts, the judge has all the powers of the returning officer with regard to the attendance and examination of witnesses or he may act upon the evidence taken by the returning officer. 1951, c. 21, s. 140.

When judge  
to send in  
certificate

**130.**—(1) The judge shall delay sending his certificate to the returning officer for two days after the completion of the recount or final addition in order to allow of an appeal as provided in section 133.

When  
declaration  
of result  
to be given

(2) If no notice of appeal is given to the judge within two days after the completion of the recount or final addition, the judge shall certify forthwith the result to the returning officer who shall then declare the candidate having the largest number of votes to be elected.

Casting  
vote

(3) In the case of an equality of votes, the returning officer shall give the casting vote. 1951, c. 21, s. 141.

Costs

**131.**—(1) The costs of the recount or final addition are in the discretion of the judge who may order by whom, to whom, and in what manner they shall be paid.

Taxing and  
allowing  
costs

(2) The judge shall tax the costs and shall, as nearly as may be, follow the tariff of costs with respect to proceedings in the county court. 1951, c. 21, s. 142.

Deposits,  
disposal of

**132.** Where costs are directed to be paid by the applicant, the moneys deposited as security for costs shall be paid out to the party entitled thereto, so far as necessary, and, if the deposit is insufficient, execution may issue out of the county court upon the judge's order for the balance. 1951, c. 21, s. 143.

#### APPEAL FROM DECISION ON RECOUNT OR FINAL ADDITION

Appeal from  
decision of  
judge

**133.**—(1) If a party desires to appeal from the decision of the judge who conducted the recount or final addition, he may do so on giving notice in writing to the opposite party and to that judge of his intention to appeal within two days after the completion of the recount or final addition, and he may by the notice limit the appeal to specified ballots.

Service of  
notice of  
appeal

(2) The notice may be served upon the opposite party personally or upon the solicitor who acted for him upon the recount or final addition personally or at his office, or as a judge of the Court of Appeal may direct.

(3) Where the appeal is limited, the judge who conducted the recount or final addition shall seal up the ballots that are the subject of appeal in a separate packet and shall forward them, together with the notice and a certificate showing his findings as to the ballots in dispute, by registered mail to the Registrar of the Supreme Court, but, if the appeal is not limited, that judge shall forward all the ballot papers and other papers to the Registrar, and in either case he shall await the result of the appeal before sending his certificate to the returning officer.

(4) The judge who conducted the recount or final addition shall upon request allow each party to make a copy of the certificate of his findings before it is forwarded to the Registrar.

(5) On receipt of the ballot papers and notice, the Registrar shall forthwith obtain an appointment from a judge of the Court of Appeal for hearing the appeal and shall notify the parties or their solicitors of the time so appointed.

(6) The time appointed for hearing the appeal shall not be more than four days from the date of the appointment.

(7) At the time appointed, the judge of the Court of Appeal shall recount the ballot papers or such of them as are the subject of appeal or review the final addition, as the case may be, and shall forthwith certify his decision to the judge who conducted the recount or final addition, whose duty is to conform to the decision and to certify the result without delay to the returning officer.

(8) The judge of the Court of Appeal may direct by and to whom the costs of the appeal shall be paid. 1951, c. 21, s. 144.

#### ELECTION RETURN

**134.**—(1) The returning officer shall immediately after the sixth day after the final addition by him of the number of votes given for each candidate, unless before that time he receives notice that he is required to attend before a judge for the purpose of a recount or final addition of the votes given at the election, and, where there has been a recount or final addition, immediately after the receipt of the certificate of the result, transmit his return (Form 37) to the Chief Election Officer that the candidate having the largest number of votes has been duly elected, and shall forward to each of the candidates a duplicate copy thereof.

Report by  
R.O.

(2) The returning officer shall accompany his return to the Chief Election Officer with a report of his proceedings in which he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers as received by him. 1951, c. 21, s. 145.

R.O. to  
transmit  
to C.E.O.  
the ballot  
papers, etc.

**135.**—(1) The returning officer shall at the same time transmit to the Chief Election Officer, enclosed in a box or other covering, securely locked, sealed with the seal of the returning officer, the writ, the list mentioned in subsection 5 of section 74, all the envelopes containing ballot papers in his possession, declarations of inability to read or to mark, poll books and all other documents sent to him by the deputy returning officers.

Endorse-  
ment  
thereon

(2) The returning officer shall endorse on the package a description of its contents, the date of the election to which they relate and the name of the electoral district for which the election was held, and shall affix to the outside of the package a label showing distinctly the electoral district to which the contents relate and the date of the election.

How to  
be sent

(3) The packages shall be sent by express or by registered mail.

Oath of  
R.O. after  
transmitting  
return

(4) An affidavit (Form 38) shall be made by the returning officer forthwith after transmitting his return, and it shall be transmitted forthwith by him to the Chief Election Officer by registered mail.

Return of  
unused  
material

(5) The returning officer shall at the same time or within ten days thereafter transmit to the Chief Election Officer in a box or other covering, securely locked and sealed with the seal of the returning officer, all the packages of ballot papers not distributed by him to the deputy returning officers, all ballot papers returned to him by the printer, all documents, papers, stationery and supplies in his possession, all receipts for paper given to him for ballot paper, and a record of all ballot paper supplied to him by the Chief Election Officer and a complete record of its disposal.

Endorse-  
ment on  
package

(6) The returning officer shall paste upon the box mentioned in subsection 5 a label with the words "Unused Election Material", the name of the electoral district and the date of the election written or printed thereon. 1951, c. 21, s. 146.

Application  
to compel  
returning  
officer to  
add up  
votes,  
make return,  
etc.

**136.**—(1) If a returning officer wilfully delays, neglects or refuses,

(a) to add up the votes;

(b) to declare to be elected the candidate having the largest number of votes;

(c) to give his casting vote where he is by law required to do so; or

(d) to make the return, as required by this Act, of the candidate having the largest number of votes,

the person aggrieved or any voter who voted at the election may apply to a judge of the Supreme Court for a mandamus commanding the returning officer to perform the duty that he is shown to have omitted.

(2) The notice shall be served upon the returning officer and upon the persons who were candidates at the election. Notice of application

(3) In other respects, *The Judicature Act* and the rules of court made thereunder apply to such application. Application of R.S.O. 1960, c. 197

(4) Nothing in this section affects or impairs any other right or remedy of the person aggrieved. 1951, c. 21, s. 147. Other rights and remedies

**137.** The Chief Election Officer shall, on receiving the return of a member elected to the Assembly, give in the next ordinary issue of *The Ontario Gazette* notice of the receipt of the return, the date of such receipt and the name of the candidate elected. 1951, c. 21, s. 148. Notice of return in Ontario Gazette

#### CUSTODY OF ELECTION PAPERS

**138.**—(1) Subject to this Act, the Chief Election Officer shall retain in his possession the documents transmitted to him by the returning officer under section 135 for at least one year, and, if the election is contested, then for one year after the termination of the contestation. How long to be retained and when to be destroyed

(2) The Chief Election Officer shall keep the documents relating to a general election in a room or vault separate from that in which the documents relating to by-elections are kept. How to be kept by C.E.O.

(3) If notice of the presentation of a petition is received by the Chief Election Officer or if an order is made directing that documents relating to an election are not to be destroyed, he shall affix to the outside of the box or covering containing such documents a label having thereon in large and distinct letters the words "NOT TO BE DESTROYED". 1951, c. 21, s. 149. When documents not to be destroyed



## INSPECTION OF DOCUMENTS, BALLOT PAPERS, ETC.

Inspection  
of other  
documents

**139.** All documents forwarded by a returning officer in pursuance of this Act to the Chief Election Officer, other than ballot papers, shall be opened to public inspection at such time and under such regulations as are prescribed by him, and he shall supply copies of or extracts from the documents to any person demanding the same on payment at the rate of 10 cents for each 100 words, and in computing the number of words a figure shall be counted as a word. 1951, c. 21, s. 150.

Inspection  
to be under  
order of  
judge

**140.**—(1) No person shall be allowed to inspect any ballot paper in the custody of the Chief Election Officer except under an order of a judge of the Supreme Court.

When  
order to be  
granted

(2) The order may be made on the judge being satisfied by affidavit or other evidence on oath that the inspection or production of the ballot paper is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of a petition questioning an election or return.

Conditions  
of order

(3) The order may be made subject to such conditions as the judge thinks proper.

Where  
inspection  
takes place

(4) Subject to the order, the inspection shall take place under the immediate supervision of the Registrar of the Supreme Court at his office in Osgoode Hall, and he shall be present during the inspection, and, so long as the ballot papers are in the custody of the Registrar and not under inspection, they shall be kept in a secure place under lock and key. 1951, c. 21, s. 151.

Evidence  
as to docu-  
ments, ballot  
papers, etc.,  
in certain  
cases

**141.** Where an order is made by a judge of the Supreme Court for the production by the Chief Election Officer of any document in his possession relating to an election, the production of it by him or his agent, in such manner as is directed by the order, is evidence that the document relates to the election, and any endorsement appearing on any envelope containing ballot papers so produced is evidence that the contents are what they are stated to be by the endorsement. 1951, c. 21, s. 152.

Inspection  
of docu-  
ments under  
order of  
Privileges  
and  
Elections  
Committee

**142.**—(1) Notwithstanding anything in sections 139, 140 and 141, all documents, including used and unused ballot papers, relating to an election in the custody of the Chief Election Officer or of any other person, may be opened, inspected and examined under such conditions and regulations as are made by the Committee on Privileges and Elections

of the Assembly for the purpose of inquiring into any matter referred to the Committee by order of the Assembly, and upon any such proceeding before the Committee any such document may be filed as an exhibit and any person summoned to attend and give evidence before the Committee upon such inquiry may be examined or cross-examined in relation thereto.

(2) Upon such inquiry, no person is excusable as a witness upon any ground of privilege or upon the ground that his answer may expose him to criminal proceedings or to any penalty that may be imposed under any statute of Ontario. 1951, c. 21, s. 153.

#### PRESERVATION OF THE PEACE

**143.** A returning officer and a deputy returning officer from the time he takes the oath of office until the day after the closing of the election has and may exercise the powers of a justice of the peace. 1951, c. 21, s. 154.

**144.** A returning officer or a deputy returning officer may require the assistance of justices of the peace, constables and other persons to aid him in maintaining peace and order at the election and may swear in as many constables as he deems necessary. 1951, c. 21, s. 155.

**145.** On a requisition in writing made by a candidate or by his agent, a returning officer shall swear in as many special constables as may be necessary. 1951, c. 21, s. 156.

**146.** A returning officer or deputy returning officer may arrest, or by oral order cause to be arrested and placed in the custody of a constable or other person, any person disturbing the peace and good order at the election, and may cause the person to be imprisoned under an order signed by him until an hour not later than the close of the nomination or of the poll, as the case may be. 1951, c. 21, s. 157.

#### SECRECY OF PROCEEDINGS

**147.**—(1) Every person in attendance at a polling place or at a counting of votes shall maintain and aid in maintaining the secrecy of the voting.

(2) No person shall interfere or attempt to interfere with a voter when the voter is marking his ballot paper, or attempt to obtain at the polling place information as to the candidate for whom a voter is about to vote or has voted.

Communicating  
information  
as to how  
a voter  
is voting

(3) No person shall communicate any information obtained at a polling place as to the candidate for whom a voter at the polling place is about to vote or has voted. 1951, c. 21, s. 158.

Inducing  
voter to  
display  
ballot after  
marking

**148.** No person shall directly or indirectly induce or attempt to induce a voter to show his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has voted. 1951, c. 21, s. 159.

Voter not  
to display  
marked  
ballot

**149.** Subject to section 89, a voter shall not show his ballot paper, when marked, to any person so as to allow the name of the candidate for whom he has voted to be known. 1951, c. 21, s. 161.

Oath of  
secrecy

**150.** Every returning officer and every officer, clerk, constable, agent and other person authorized to attend at a polling place, or at the counting of the votes, shall, before entering on his duties, take the oath of secrecy (Form 39). 1951, c. 21, s. 162.

Proceedings  
where  
officers  
aware of  
violation of  
secrecy

**151.**—(1) If a returning officer, election clerk, deputy returning officer or poll clerk becomes aware or has reason to believe or suspect that any provision of the law as to secrecy has been contravened, he shall communicate the particulars with all convenient speed to the Crown attorney.

Duty of  
Crown  
attorney  
thereon

(2) The Crown Attorney shall, on receiving such information from such officer or from any other person, forthwith inquire into the case and, if proper, prosecute the offender. 1951, c. 21, s. 163.

No one  
compellable  
to disclose  
his vote

**152.** A person who has voted shall not in any legal proceeding questioning the election or return be compelled to state for whom he voted. 1951, c. 21, s. 164.

#### CORRUPT PRACTICES, ETC.

Bribery:

**153.**—(1) Every person who,

bribing voter  
or procuring  
bribery by  
money

(a) directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure or to endeavour to procure any money or valuable consideration to or for a voter, or to or for any person on behalf of a voter, or to or for any person in order to induce a voter to vote or refrain from voting, or corruptly does any such act on account of a voter having voted or refrained from voting at an election;

- (b) directly or indirectly, himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for a voter, or to or for any other person in order to induce a voter to vote or refrain from voting, or corruptly does any such act on account of a voter having voted or refrained from voting at an election; <sup>by gift or offer or promise of employment</sup>
- (c) directly or indirectly, himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, to or for a person in order to induce such person to procure or endeavour to procure the return of a person to serve in the Assembly, or the vote of a voter at an election; <sup>to induce anyone to procure return of candidate</sup>
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, or promises or endeavours to procure the return of a person to serve in the Assembly, or the vote of a voter at an election; <sup>receiving bribe to procure return of candidate</sup>
- (e) advances or pays, or causes to be paid, money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in corrupt practices at an election, or knowingly pays or causes to be paid money to a person in discharge or repayment of money wholly or in part expended in corrupt practices at an election; <sup>advancing money to be spent in corrupt practices</sup>
- (f) directly or indirectly, himself or by any other person on his behalf, on account of and as payment for voting or for his having voted, or for illegally agreeing or having agreed to vote for a candidate at an election, or on account of and as payment for his having illegally assisted or agreed to assist a candidate at an election, applies to such candidate or to his agent for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment; <sup>applying for money or employment in consideration of voting</sup>
- (g) before or during an election, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment <sup>receiving money, office, etc., for having voted</sup>

for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election;

receiving  
money  
corruptly  
after election

(h) after an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at an election;

giving or  
promising  
office to  
induce  
candidate to  
stand or  
withdraw

(i) in order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure or offers or promises to procure, or endeavours to procure any office, place or employment for such person, or for any other person; or

bribing  
candidate  
to retire

(j) in order to induce a person to withdraw from being a candidate at an election, directly or indirectly, gives or lends, or offers or promises or agrees to give or lend, any money or valuable consideration to such person, or any other person,

is guilty of bribery and is liable to a penalty of \$200 and be imprisoned for a term of six months.

Saving as  
to personal  
expenses of  
candidates

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed, *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate or any agent in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof is not a contravention of this Act. 1951, c. 21, s. 165 (1, 2).

Dissemina-  
tion of  
political  
information,  
etc.

(3) The dissemination at any time by any means, by a candidate or his agent, of political information or material or other information or material of public interest shall not be deemed to be a corrupt or illegal act or a contravention of this Act. 1954, c. 25, s. 22.

Furnishing  
meat, drink  
etc., for-  
bidden  
except at  
residence of  
the person  
furnishing

**154.**—(1) A candidate shall not, nor shall any other person, provide or furnish meat, drink, refreshment or provision at the expense of the candidate or other person at a meeting of voters assembled for the purpose of promoting the election, before or during the election, or pay or promise or engage to pay therefor, but nothing in this section extends to any meat, drink, refreshment or provision furnished to any such meeting of voters by or at the expense of any person at his usual place of residence, where the residence is a private house.

(2) Every person offending against this section is guilty <sup>Penalty</sup> of a corrupt practice and is liable to a penalty of \$100. 1951, c. 21, s. 166.

**155.**—(1) Every candidate who corruptly, himself or by <sup>Treating</sup> or with any person, or by any other way or means on his behalf, at any time, either before or during an election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expense incurred for any meat, drink, refreshment or provision to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person to vote or refrain from voting at an election, is guilty of a corrupt practice and is liable to a penalty of \$200 in addition to any other penalty to which he may be liable therefor.

(2) The giving of meat, drink, refreshment or provision to voters extensively or generally by a candidate or by his agent, <sup>Giving refreshments</sup> or the taking part therein by either of them, or giving the same <sup>*prima facie* evidence of corrupt practice</sup> wholly or partly at the expense of a candidate or his agent, is *prima facie* a corrupt practice within the meaning of this section.

(3) It is not a sufficient answer to a charge of a corrupt <sup>Habit of treating not sufficient answer</sup> practice under this section that the person charged had been in the habit of treating. 1951, c. 21, s. 167.

**156.**—(1) Every candidate who, before or during the <sup>Candidate betting</sup> election, makes, or takes a share or interest in, or in any manner becomes a party to, a bet or wager upon the result of the election in the electoral district in any part thereof or on any event or contingency relating to the election is guilty of a corrupt practice.

(2) Every candidate or other person who provides money <sup>Providing money for betting</sup> to be used by another in betting or wagering upon the result of the election in the electoral district or in any part thereof, or on any event or contingency relating to the election, is guilty of a corrupt practice.

(3) Every person who for the purpose of influencing an <sup>Other persons</sup> election makes a bet or wager on the result thereof in the electoral district or in any part thereof, or on any event or contingency relating thereto, is guilty of a corrupt practice. 1951, c. 21, s. 168.

Hiring  
conveyances  
to carry  
voters to  
poll

**157.**—(1) Every candidate who himself or by any other person on his behalf and every other person who,

(a) hires or promises to pay or pays for a conveyance to carry a voter to or near or from or on the way to or from a polling place; or

(b) pays the travelling or other expenses of a voter in going to or returning from a polling place,

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry a voter, other than the hirer, to or near or from or on the way to or from a polling place, is guilty of a corrupt practice and is liable to a penalty of \$100, and, if a voter, is disqualified from voting at the election; but this subsection does not apply to the carrying of voters to the poll in the conveyance mentioned in paragraph 5 of subsection 2 of section 188.

Furnishing  
transporta-  
tion to  
voters

(2) Every person who provides or furnishes transportation free of charge or at a diminished rate to a voter to or near or from or on the way to or from a polling place, and whether passes or tickets or the like are or are not supplied, is guilty of a corrupt practice and is liable to a penalty of \$100, and, if a voter, is disqualified from voting at the election.

Interpre-  
tation

(3) For the purpose of this section, “conveyance” includes an automobile, horse, team, carriage, cab, vehicle, boat and vessel.

Use of  
private  
vehicle

(4) Except as provided in subsection 1, nothing in this Act makes it unlawful for any person to provide his own private vehicles for the purpose of taking voters to and from the poll free of charge. 1951, c. 21, s. 169.

Providing re-  
freshments  
on nomina-  
tion day or  
polling day

**158.** The giving or causing to be given to a voter on nomination day or on polling day, on account of his being about to vote or having voted, any meat, drink, refreshment or provision, or any money, ticket or order to enable him to procure the same, is a corrupt practice and the person so offending is liable to a penalty of \$10. 1951, c. 21, s. 170.

Undue  
influence

**159.**—(1) Every person who, directly or indirectly, himself or by any other person on his behalf, uses or threatens to use force, violence or restraint, or inflicts or threatens to inflict injury, damage, harm or loss, or in any manner practises intimidation upon or against a voter in order to induce or compel him to vote or refrain from voting, or on account of his having voted or refrained from voting, or who, by abduction,

duress, or false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter to vote or refrain from voting, is guilty of a corrupt practice and is liable to a penalty of \$200 and to be imprisoned for one year.

(2) It is a false pretence within the meaning of this section to represent to a voter, directly or indirectly, that the ballot to be used, or the mode of voting at an election, is not secret. 1951, c. 21, s. 171.

**160.**—(1) Every person who at an election applies for a ballot paper in the name of some other person whether that name be that of a person living or dead, or of a fictitious person, or who having voted applies at the same election for a ballot paper in his own name or who votes more than once at the same election, is guilty of the offence of personation. 1951, c. 21, s. 171.

(2) Every person who commits or who directly or indirectly aids or abets, counsels or procures the commission of the offence of personation is guilty of a corrupt practice and is liable to a penalty of \$400 and to be imprisoned for one year. 1951, c. 21, s. 172.

**161.** Every person who procures an appointment as deputy returning officer or poll clerk by false pretence, deceit or other improper means, or who acts as deputy returning officer without lawful authority, is guilty of a corrupt practice and is liable to a penalty of \$400 and to be imprisoned for one year. 1951, c. 21, s. 173.

**162.** Every person who knowingly appoints an election clerk, deputy returning officer or poll clerk who has at any time been found guilty by a competent tribunal of a corrupt practice, or reported by an election court for a corrupt practice, is guilty of a corrupt practice and is liable to a penalty of \$400. 1951, c. 21, s. 174.

**163.** Every person who votes knowing that he has no right to vote, and every person who induces or procures any other person to vote, knowing that the other person has no right to vote, is guilty of a corrupt practice and is liable to a penalty of \$200. 1951, c. 21, s. 175.

**164.** Every person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at the election, for the purpose of promoting or securing the election of another candidate, is guilty of a corrupt



practice and is liable to a penalty of \$100, but the election of a candidate is not avoided by reason of a contravention of this section unless committed by him or by his agent. 1951, c. 21, s. 176.

Corrupt  
practices by  
candidate or  
his agent  
to avoid  
election

**165.** If an election court determines and reports that a corrupt practice has been committed by a candidate or by his agent, whether with or without the actual knowledge and consent of the candidate, the election of the candidate, except in the case mentioned in section 166, is void. 1951, c. 21, s. 177.

When  
court finds  
candidate  
not  
personally  
guilty, then  
result not  
affected

**166.** If the election court determines that an agent of a candidate was guilty of a corrupt practice that would otherwise render the election void, and further finds,

- (a) that no corrupt practice was committed at the election by the candidate personally, and that the corrupt practice of the agent was committed contrary to the order and without the sanction or connivance of the candidate;
- (b) that the candidate took all reasonable means for preventing the commission of corrupt practices at the election;
- (c) that the corrupt practice was of a trivial, unimportant and limited character; and
- (d) that in all other respects, so far as disclosed by the evidence, the election was free from any corrupt practice on the part of the candidate and his agent,

then the election of the candidate is not, by reason of the corrupt practice, void. 1951, c. 21, s. 178.

When dis-  
qualification  
incurred

**167.** No candidate or other person is disqualified or subject to any disability or penalty for a corrupt practice, except upon the judgment of an election court. 1951, c. 21, s. 179.

Candidate  
guilty of  
corrupt  
practice  
disqualified  
for 8 years

**168.**—(1) Subject to subsection 2, where an election court determines and reports that a corrupt practice has been committed by or with the actual knowledge and consent of a candidate, then in addition to his election, if he has been elected, being void, the candidate, during the eight years next after the date of his being so found guilty, is incapable of being elected to and of sitting in the Assembly or any municipal council and of being entered on any list of voters or registered as a

voter and of voting at an election, and of holding any office at the nomination of the Crown or of the Lieutenant Governor or any municipal office.

(2) If the election court or one of the judges thereof finds that an act constituting in law a corrupt practice was committed by a candidate, or with his actual knowledge and consent, but without any corrupt intent, and in an ignorance that was involuntary and excusable, and that the evidence showed that the candidate honestly desired, and in good faith endeavoured as far as he could, to have the election conducted according to law, the candidate is not subject to the penalties and disabilities that he would otherwise incur under subsection 1. 1951, c. 21, s. 180.

Saving where corrupt practice committed in excusable ignorance

**169.**—(1) Every person other than a candidate found guilty of a corrupt practice in a proceeding in which, after notice of the charge, he has had an opportunity of being heard, or who upon his own evidence given on the trial of a petition has been found to have been guilty of a corrupt practice and has been reported therefor, unless the finding and report have been reversed or set aside on appeal under *The Controverted Elections Act* is, during the eight years next after the date of his being found guilty, subject to the penalties and disabilities mentioned in section 168.

Disqualification of persons other than candidates

R.S.O. 1960, c. 65

(2) No person is subject to the penalties and disabilities referred to in subsection 1 by reason of, Exemptions

(a) a mere technical breach of law; or

(b) an act not being an intentional contravention of law. 1951, c. 21, s. 181.

**170.** Where the judges who constitute the election court disagree as to a corrupt practice having been committed by a candidate or his agent, there may be an appeal as provided by *The Controverted Elections Act*, and, if the Supreme Court determines that a corrupt practice was committed, then, unless the court is of the opinion that the case falls within section 166, the election is void, but the candidate is not disqualified. 1951, c. 21, s. 182.

Appeal

**171.** If an election is set aside and a second election had, the second election shall be deemed to be a new election and is not avoided by reason of corrupt practices committed at the former election other than the personal acts of the candidate or of his agent done with his actual knowledge and consent, but the new election is not avoided for corrupt

Where second election held as result of protest

practices by the candidate at the former election or affecting the same which were not set up and proved at the trial and so adjudged by the election court as by law to involve the penalties and disabilities mentioned in section 168. 1951, c. 21, s. 183.

Votes to be struck off on scrutiny when corrupt practice is proved

**172.** If on the trial of an election petition a candidate or his agent is proved to have committed a corrupt practice with respect to a voter, there shall be struck off from the number of votes given for the candidate one vote for each voter in respect to whom the corrupt practice is proved to have been committed. 1951, c. 21, s. 184.

Election of candidate to be void for employing agent previously found guilty of corrupt practice

**173.** If on the trial of an election petition a candidate is proved to have personally engaged a person as a canvasser or agent, knowing that he has, within the eight years previous to the engagement, been found guilty by a competent tribunal of or reported by an election court for a corrupt practice, the election of the candidate is void. 1951, c. 21, s. 185.

Removal of disqualification on proof that disqualification was procured by perjury

**174.** If, at any time after a person has become disqualified, the witnesses or any of them on whose testimony he has become disqualified are convicted of perjury in respect of such testimony, the Supreme Court, upon the motion of the person disqualified and upon being satisfied that the disqualification was procured by reason of perjury, may order that the disqualification shall thereafter cease and determine. 1951, c. 21, s. 186.

Executory contracts arising out of elections, void

**175.** Every executory contract, promise or undertaking, in any way referring to, arising out of, or depending upon an election, even for the payment of lawful expenses, or the doing of a lawful act, is void. 1951, c. 21, s. 187.

No statutory penalty for corrupt practice where the party charged has first prosecuted a party jointly liable

**176.** No pecuniary penalty or forfeiture is recoverable for a corrupt practice if it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted the other person or persons or any of them for the corrupt practice; but this provision does not apply if the court or judge before whom the person claiming the benefit thereof is charged certifies that it clearly appears that the person so charged took the first step towards the commission of the offence and that he was in fact the principal offender. 1951, c. 21, s. 188.

Returning officers, etc., wilfully falsifying or altering list of voters

**177.** A returning officer, deputy returning officer or other person whose duty it is to deliver poll books or who has the custody of a certified list of voters or of a polling list or poll

book, who wilfully makes any alteration or insertion in or omission from or in any way wilfully falsifies such certified list, polling list or poll book, is guilty of a corrupt practice and is liable to a penalty of \$2,000 and to be imprisoned for one year. 1951, c. 21, s. 189.

**178.** Every person who,

Offences  
relating to  
ballot papers

- (a) fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon;
- (b) without authority, supplies a ballot paper to any person;
- (c) fraudulently places in a ballot box a paper other than the ballot paper that he is authorized by law to place therein;
- (d) fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer;
- (e) fraudulently takes a ballot paper out of the polling place;
- (f) without authority, destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purpose of an election;
- (g) being a deputy returning officer, fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election;
- (h) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;
- (i) being authorized by the returning officer to print the ballot papers for an election, with fraudulent intent prints more ballot papers than he is authorized to print; or
- (j) attempts to commit any offence mentioned in this section,

is guilty of a corrupt practice and, in the case of a returning officer, deputy returning officer or other officer engaged in the election, is liable to imprisonment for three years, and in the case of any other person, is liable to imprisonment for one year. 1951, c. 21, s. 190.

Persons unlawfully destroying, etc., documents relating to elections, etc.

**179.**—(1) Every person who wilfully and maliciously destroys, injures or obliterates, or causes to be destroyed, injured or obliterated, a writ of election, or a return to a writ of election, or a poll book, list of voters, polling list, certificate or affidavit, or other document or paper made, prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them, is guilty of a corrupt practice and is liable to a penalty of \$2,000 and to be imprisoned for one year.

Abettors punishable

(2) Every person who aids, abets, counsels or procures the commission of a contravention of subsection 1 is guilty of a corrupt practice and is liable to a penalty of \$2,000 and to be imprisoned for one year. 1951, c. 21, s. 191.

Penalty for D.R.O. omitting to initial ballots

**180.**—(1) Every deputy returning officer who wilfully omits to put his initials on the back of a ballot paper in use for the purpose of an election is liable to a penalty of \$20 in respect of each such ballot paper.

D.R.O. or poll clerk neglecting duties

(2) Every deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by sections 102 to 109, for each refusal or neglect, is liable to a penalty of \$200. 1951, c. 21, s. 192.

Wilful misconduct in counting ballots, etc.

**181.** Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise makes up a false statement of the poll is guilty of a corrupt practice and is liable to a penalty of \$200. 1951, c. 21, s. 193.

Penalty for violating secrecy

**182.** Every person who acts in contravention of sections 147, 148 or 149 is liable to imprisonment for a term of not more than six months. 1951, c. 21, s. 194, *amended*.

Penalty to persons aggrieved

**183.** Every officer engaged in the election who is guilty of a wilful act or omission in contravention of this Act, in addition to any other penalty or liability to which he may be subject, forfeits to any person aggrieved thereby the sum of \$400. 1951, c. 21, s. 195.

How penalties recoverable R.S.O. 1960, c. 65

**184.** Subject to *The Controverted Elections Act*, and except as in this Act otherwise provided,

(a) all pecuniary penalties imposed by this Act for offences not declared to be corrupt practices, and for offences not punishable by imprisonment alone, or in addition to a pecuniary penalty or fine, are recoverable by anyone who sues for the same in any court of competent jurisdiction, and the court shall order that in default of payment of the amount

that the offender is condemned to pay, within the period fixed by the court, he shall be imprisoned for a term in the discretion of the court not exceeding one year unless the penalty and costs are sooner paid;

(b) it is sufficient for the plaintiff in any such action to allege that the defendant is indebted to him in the sum claimed, and the particular offence for which the action is brought, and that the defendant had acted contrary to this Act;

(c) the action shall be commenced within four months next after the act committed, or the omission complained of, and not afterwards, and shall be tried by a judge without a jury. 1951, c. 21, s. 196.

**185.** Except where otherwise provided, prosecutions for penalties and punishments imposed by this Act for or in respect of corrupt practices and for offences for which imprisonment alone or in addition to a pecuniary penalty or fine is imposed shall be had and taken before an election court in the manner provided by *The Controverted Elections Act*. 1951, c. 21, s. 197, amended.

Prosecutions for corrupt practices punishable by imprisonment

R.S.O. 1960, c. 65

**186.** In any proceeding under section 184 or 185, it is not necessary on the trial to produce the writ of election or the return thereto, or the authority of the returning officer founded upon the writ of election, but general evidence is sufficient. 1951, c. 21, s. 198.

Writ, etc., need not be produced at trial

#### ELECTION EXPENSES, FEES, ETC.

**187.—**(1) Every candidate shall appoint an official agent whose name and address shall be declared in writing to the returning officer on or before the nomination day.

Appointment of official agent

(2) In the event of the death or incapacity of an official agent the candidate shall forthwith appoint another official agent in his place and give notice to the returning officer of the name and address of the person appointed, which shall be published forthwith by the returning officer at the expense of the candidate in the manner provided by section 52. 1951, c. 21, s. 199.

On death or incapacity of an agent appointment of another

**188.—**(1) No contribution, payment, loan, gift, advance or deposit of money or its equivalent in excess of \$50 shall be received by or on behalf of a candidate and no payment, except with respect to the personal expenses of a candidate, and no advance, loan or deposit shall be made by or on behalf of a candidate before, during or after the election, on account of the election, otherwise than through his official agent.

Payments not to be made except through official agent

Interpre-  
tation

(2) The expression "personal expenses" when used in this section includes the following expenses, and payment therefor may lawfully be made by the candidate personally:

1. Reasonable and *bona fide* rent or hire of halls or other places used by the candidate personally in which to address public meetings of voters, and the expenses incurred in heating, lighting and cleaning such halls or other places.
2. Reasonable and ordinary travelling and living expenses of the candidate.
3. Reasonable and ordinary travelling and living expenses of one speaker for each meeting, who accompanies the candidate and travels with him for the purpose of speaking at a public meeting to be addressed by the candidate.
4. Reasonable and ordinary charges for the hire of conveyances for the use of the candidate.
5. Reasonable and ordinary charges for use by the candidate personally of not more than one conveyance on the polling day.

Burden of  
proof

(3) The onus of showing that the personal expenses paid by the candidate were fair, reasonable and proper and not in excess of what is ordinarily paid for similar services and accommodation is upon the candidate.

Receipt of  
ordinary and  
reasonable  
charges,  
when not to  
disqualify  
voter

(4) The contracting for or the receipt of the ordinary and reasonable charges,

- (a) by the owner or possessor of a hall or room in which to hold *bona fide* public meetings for the purposes of the election;
- (b) by a printer for printing lists of voters, election addresses or advertisements or notices of election meetings; or
- (c) by a regularly established livery-keeper for the hire of horses and vehicles used in connection with and for the proper purposes of the election and not for carrying voters otherwise than by the candidate as provided by paragraph 5 of subsection 2,

is lawful and does not disqualify him from voting. 1951, c. 21, s. 200.

**189.**—(1) Every person who has any claim against a candidate for or in respect of an election shall send it in within sixty days from the day of the declaration of the result of the election to the official agent of the candidate, otherwise he is barred of his right to recover it. Claims on candidates

(2) In the case of the death within such period of the person having the claim, his legal representative shall send it in within one month after probate or administration has been obtained, otherwise the right to recover it is barred. Case of death of person making claim

(3) In case of the death of the official agent or of his incapacity to act and no other agent having been appointed, the claim may be sent in or delivered to the candidate. Case of death of agent

(4) No such claim shall be paid without the authority of the candidate. 1951, c. 21, s. 201, *amended*. Candidate must authorize payment

**190.**—(1) Notwithstanding anything in section 189, any claim that would have been payable if sent in within sixty days of the day of the declaration may be paid by the candidate through his official agent after that time if the claim is approved by a judge of the Supreme Court or by the judge of the county court of a county in which the electoral district or some part of it is situate. Payment of accounts

(2) All claims allowed by a judge shall within one week thereafter be advertised by the returning officer at the expense of the candidate in the same newspapers in which the statement of the other election expenses was published. 1951, c. 21, s. 202. Advertising claims

**191.**—(1) A detailed statement of all money or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and exceeding in amount or value \$50 and a detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall, within three months after the election, or where, by reason of the death of the creditor, no claim has been sent in within such period of three months, then within one month after the claim has been sent in, be made out and signed by the official agent who has paid the same or by the candidate in case of payments made by him, and delivered, with the bills and vouchers relating thereto, to the returning officer. 1951, c. 21, s. 203 (1); 1954, c. 25, s. 23. Statement of election expenses, etc., to be sent by agent to R.O.

(2) The returning officer, within fourteen days after receiving the statements, shall publish at the expense of the candidate an abstract thereof in a newspaper published or circulated in the electoral district. Abstract thereof to be published



Penalty for  
default in  
delivering  
statement

(3) Every agent or candidate who makes default in delivering the statements to the returning officer is liable to a penalty not exceeding \$25 for every day during which he so makes default.

Penalty  
for false  
statement

(4) Every agent or candidate who wilfully furnishes an untrue statement to the returning officer is liable to a penalty of \$400. 1951, c. 21, s. 203 (2-4).

R.O. to  
preserve  
bills, etc.,  
and allow  
inspection

**192.** The returning officer shall preserve all such statements, bills and vouchers, and shall, during the six months next after they have been delivered to him, permit any voter to inspect them on payment of a fee of 25 cents. 1951, c. 21, s. 204.

Tariff of  
fees

**193.**—(1) The fees and expenses to be allowed to the officers and other persons for their services and disbursements under this Act shall be fixed by the Lieutenant Governor in Council.

Payment  
of expenses  
of Act

(2) The fees and expenses to be allowed to the returning officers, boards, and other officers and persons for services performed under this Act, so far as they are payable by the Province, are payable out of the Consolidated Revenue Fund.

Accountable  
warrants

(3) For the purpose of providing funds for the payment of such fees and expenses, the Lieutenant Governor in Council may direct that accountable warrants payable out of the Consolidated Revenue Fund be issued from time to time in favour of any officer or other person.

Accounts  
and audit

(4) The sums paid out under subsection 1 shall be duly accounted for by the production of accounts and vouchers certified as provided by subsection 5, but it is not necessary that such accounts or vouchers be furnished by any person in whose favour an accountable warrant was issued before the issue of a further accountable warrant to the same person, unless the Lieutenant Governor in Council otherwise directs.

Audit by  
Auditor of  
Criminal  
Justice  
Accounts

(5) All accounts respecting such fees and expenses shall be audited by the Auditor of Criminal Justice Accounts, and, upon the production of his certificate as to any amount remaining unpaid upon an account, the Treasurer of Ontario shall cause a cheque to be issued for the amount named in the certificate and the Provincial Auditor shall countersign it. 1951, c. 21, s. 205.

## FORM 1

*The Election Act**(Section 18 (1) )*

## AFFIDAVIT OF PERSON APPLYING TO BE ENTERED ON LIST AFTER CHANGE OF RESIDENCE

I, ....., of the.....  
of....., make oath and say (*or*  
*(occupation)*)  
solemnly affirm:

1. That I am of the full age of 21 years (*or* I will be of the full age of 21 years on the.....day of....., being the date fixed for holding the poll at this election).

2. That I am a British subject.

3. That I have resided in Ontario since the.....day of....., 19..... (*naming a date at least 12 months prior to the date fixed for holding the poll*).

4. That I resided in (*state municipality from which move took place*) and was entered on the last revised list of voters for that municipality (*or* was entitled to be entered on the last revised list of voters for that municipality).

5. That had I continued to reside in that municipality I would have been entitled to be entered on the list of voters and to vote at this election therein.

6. That on the.....day of.....(*insert date of move*), I moved from that municipality to this city (town, village or township), and now reside at (*insert street number or lot and concession of place of residence*), and that such move took place in the pursuit of my ordinary occupation and not for the purpose of enabling me to vote at this election in this municipality.

[*Or, in the case of a person who has moved from one electoral district to another as a member of the family or household of a person who has so moved in the pursuit of his occupation:*

6. That on the.....day of.....(*insert date of move*), I moved from that municipality to this city (town, village or township) with.....as a member of his family or household, being the wife (*or* son or daughter or other relation or dependant, *naming the relationship or connection*) of the said....., who moved as aforesaid in the pursuit of his ordinary occupation and not for the purpose of enabling him or the members of his family to vote at this election.

7. That I now reside in this municipality.

8. That I am not disqualified from voting at this election under *The Election Act* or otherwise prohibited by law from voting or from being entered upon the list.

9. That I have not received anything nor has anything been promised to me, directly or indirectly, to induce me to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. And that I have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election.

Sworn (or affirmed) before me at  
the.....of.....  
this.....day of....., 19... } .....  
A Commissioner, etc. } Applicant  
(See *The Election Act*, s. 8.) }

1951, c. 21, Form 1, amended.

## FORM 2

### *The Election Act*

#### (Section 18 (2) )

#### CERTIFICATE OF REVISING OFFICER OR JUDGE AS TO PERSON MOVING FROM ONE ELECTORAL DISTRICT TO ANOTHER

County of..... To Wit:

I,.....(name of revising officer or judge),  
do certify that.....(insert  
name of voter), having duly filed with me the affidavit required by section  
18 of *The Election Act* as having moved in to the Electoral District of  
.....(insert name of district)  
within two months from the day fixed for holding the poll at the election  
of a member to serve in the Assembly for the said Electoral District and  
having satisfied me that he is entitled to be entered on the list of voters  
in the.....of.....and to vote therein at  
the poll to be held on the.....day of....., 19...., I have  
caused his name to be entered upon the list of voters for polling sub-  
division No.....in the.....of.....as provided  
by the said Act, and I believe him to be duly entitled to vote at the said  
poll.

Dated this.....day of....., 19....

.....  
Revising Officer or Judge  
(as the case may be)

1951, c. 21, Form 2.

## FORM 3

*The Election Act**(Sections 21 (2), 65 (1))*

## DIRECTIONS FOR THE GUIDANCE OF VOTERS

The voter shall vote for one candidate only.

The voter shall go into one of the compartments and place a cross within the white space containing the name of the candidate for whom he votes, thus X.

The voter shall then fold the ballot paper so that the initials on the back and the number on the counterfoil can be seen without opening it; he shall then return the ballot paper so folded to the deputy returning officer, who shall, in full view of those present including the voter, remove the counterfoil and destroy it, and place the ballot paper in the ballot box; the voter shall then leave the polling place.

If a voter inadvertently spoils a ballot paper so that he cannot conveniently use it as he desires, he may return it to the deputy returning officer, who will give him another.

If a voter votes for more than one candidate, or places any mark on the ballot paper by which he can be identified, his vote will be void and will not be counted.

If a voter fraudulently takes a ballot paper out of the polling place, or fraudulently delivers to the deputy returning officer, to be placed in the ballot box, any other paper than the ballot paper given him by the deputy returning officer, he will be liable to imprisonment for one year.

In the following form of ballot paper, given for illustration, the candidates are Wm. R. Brown, Frank Hamon, and Joseph O'Neil, and the voter has marked his ballot paper in favour of Joseph O'Neil, and the counterfoil has been detached:



**1** WM. R. BROWN  
of the City of Toronto, Barrister.



**2** FRANK HAMON  
of the City of Toronto, Artist.



**3** JOSEPH O'NEIL  
of the City of Toronto, Gentleman.

**X**



## FORM 4

*The Election Act**(Section 21 (1))**To be put up at all Polling Places*

## NOTICE AS TO SECRECY OF VOTING

It is the sworn duty of every person in attendance at this polling place, or at the counting of the votes, not to attempt to ascertain how any person is about to vote or has voted; and not to communicate any information obtained at the polling place that may enable or assist a person to ascertain how another person has voted.

It is also the sworn duty of every such person, by all proper means to maintain, and aid in maintaining, the absolute secrecy of the voting.

Any person who acts in contravention of his duty in any of these particulars is liable to imprisonment for a term not exceeding six months.

It is further provided by *The Election Act* that no person shall destroy, take, open or otherwise interfere with any ballot box or book or packet of ballot papers or a ballot paper or ballot in use for the purposes of the election, or attempt to do so; and that any returning officer, deputy returning officer or other officer engaged in the election who is guilty of any contravention of that provision is liable to imprisonment for three years and any other person guilty of such contravention is liable to imprisonment for one year (*Section 178*).

*The Election Act* further provides that, in addition to every other penalty and liability, any officer engaged in the election who is guilty of any wilful act or omission in contravention of the Act forfeits to any person aggrieved thereby the sum of \$400 (*Section 183*).

A. B.,  
Chief Election Officer

1951, c. 21, Form 4.

FORM 5  
*The Election Act*  
(Sections 22, 75 (4) )  
FORM OF POLL BOOK

Consecutive Number	NAMES OF VOTERS	Place of Residence	Occupation	Objections	Sworn or affirmed	Refused to swear or affirm or to answer	Marks indicating that Voter has voted	REMARKS

1951, c. 21, Form 5.

FORM 6

*The Election Act*

(Sections 24 (5), 38)

OATH OF RETURNING OFFICER

I, ....., Returning Officer for the Electoral District of ....., swear (*or solemnly affirm*) that I am legally qualified to act as Returning Officer for the said Electoral District, and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God.

Sworn (*or affirmed*) before me at  
the.....of.....  
this.....day of....., 19...

A Commissioner, etc.  
(*See The Election Act, s. 8*)

.....  
Returning Officer

1951, c. 21, Form 6, amended.

FORM 7

*The Election Act*

(Section 28 (1))

PROCLAMATION OF THE RETURNING OFFICER DECLARING THE TIME AND  
PLACE FOR THE NOMINATION OF CANDIDATES  
AND THE DAY FOR OPENING THE POLL

PROCLAMATION

Electoral District of.....

Public Notice is hereby given that in obedience to Her Majesty's Writ to me directed and bearing date the.....day of ....., 19...., I require the presence of the voters at the Town Hall (*or as the case may be*), in the County (*or Township or City or Town*) of.....on the.....day of ....., 19...., from 1 p.m. until 2 p.m., for the purpose of nominating a person to represent them in the Legislative Assembly; and notice is further given that in case a poll is demanded and allowed in the manner by law prescribed, such poll will be open on the.....day of ....., 19...., from 8 a.m. until 7 p.m. as follows:

For the polling subdivision No. 1, consisting of (*or bounded as follows: or otherwise describing it clearly*) at.....  
(*describing the polling place and so continuing for all the other polling subdivisions and polling places in the electoral district*).

And further, that at (*describe place where votes will be added up*) on the.....day of ....., 19...., at the hour of ....., I shall open the ballot boxes, add up the votes given for the candidates and declare to be elected the one having the largest number of votes.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

God Save the Queen.

Given under my hand at.....this.....day of ....., 19....

.....  
Returning Officer

1951, c. 21, Form 7.

## FORM 8

*The Election Act*

(Section 34 (1) )

## COMMISSION OF ELECTION CLERK

To.....(*set forth his residence and occupation*)

In my capacity as Returning Officer for the Electoral District of ....., I hereby appoint you to be my Election Clerk, to act in that capacity at the pending election for the said Electoral District, which election will be opened by me on the.....day of ....., 19..... (*the date to be inserted here is the day of nomination*).

Given under my hand at.....this.....day of ....., 19.....

.....  
Returning Officer

1951, c. 21, Form 8, *amended*.

## FORM 9

*The Election Act*

(Section 35)

## OATH OF ELECTION CLERK

I, ....., appointed Election Clerk for the Electoral District of ....., swear (*or solemnly affirm*) that I am legally qualified to act as Election Clerk and that I will act faithfully in that capacity and also in that of Returning Officer, if I am required to act in that capacity, without partiality, fear, favour or affection. So help me God.

Sworn (*or affirmed*) before me at  
the.....of.....  
this.....day of ....., 19.....

A Commissioner, etc.  
(*See The Election Act, s. 8*)

.....  
Election Clerk

1951, c. 21, Form 9, *amended*.

## FORM 10

*The Election Act*

(Section 49 (1) )

PROCLAMATION WHICH THE RETURNING OFFICER IS TO CAUSE  
TO BE READ ON NOMINATION DAY

Oyez! Oyez! Oyez!

All persons are commanded and strictly enjoined to keep silence while  
Her Majesty's Writ for the present election is publicly read.

God Save the Queen.

1951, c. 21, Form 10.



FORM 11

*The Election Act*

(Section 49 (2) )

FORM OF NOMINATION PAPER

We, the undersigned, electors of the Electoral District of.....  
....., hereby nominate .....  
..... (name, residence and occupation)  
as a candidate at the election about to be held of a member to represent  
the said Electoral District in the Legislative Assembly. (*Where the person  
nominated is absent from Ontario, add: The said .....  
nominated in the foregoing nomination paper, is now absent from Ontario.*)

Witness our hands at....., in the said  
Electoral District, this.....day of....., 19.....

Signed by the said electors in the }  
presence of..... } Signatures, residences and  
..... } occupations  
(name, residence and occupation)

I, the said....., nominated in the foregoing  
nomination paper, hereby consent to such nomination.

Witness my hand at....., this.....day of  
....., 19.....

Signed by the said nominee in the }  
presence of..... }  
..... }  
(name, residence and occupation)

1951, c. 21, Form 11, amended.

FORM 12

*The Election Act*

(Section 53 (1) )

WITHDRAWAL OF CANDIDATE

I, ....., a candidate nominated for the  
Electoral District of....., hereby withdraw.

Dated at.....this.....day of....., 19...

.....  
Witness Candidate

1951, c. 21, Form 12.

## FORM 13

*The Election Act*

(Section 56 (1) )

## COMMISSION OF DEPUTY RETURNING OFFICER

To.....(*set forth his residence and occupation*)

In my capacity as Returning Officer for the Electoral District of ..... I hereby appoint you to be Deputy Returning Officer for Polling Place No..... of the Township (*or as the case may be*) of..... in the said Electoral District, there to take the votes of the voters, and you are hereby authorized and required to open and hold the poll at the said Polling Place on the..... day of....., 19....., at 8 a.m., at (*here describe particularly the place in which the poll is to be held*), and to keep the poll open during the hours prescribed by law, and to do and perform in such polling place all acts and duties required to be performed by the Deputy Returning Officer appointed to act therefor, and, after counting the votes given, to return to me forthwith the ballot box sealed with your seal and enclosing the ballots, envelopes, polling list and other documents required by law, together with this Commission.

Given under my hand at..... this..... day of  
....., 19.....

.....  
Returning Officer

1951, c. 21, Form 13, *amended*.

## FORM 14

*The Election Act*

(Section 57)

## OATH OF DEPUTY RETURNING OFFICER

I, ....., appointed Deputy Returning Officer for Polling Place No..... of the Township (*or as the case may be*) of ..... swear (*or solemnly affirm*) that I am legally qualified to act as Deputy Returning Officer and that I will act faithfully in that capacity without partiality, fear, favour or affection. So help me God.

Sworn (*or affirmed*) before me at  
the..... of.....  
this..... day of....., 19.....

A Commissioner, etc.  
(*See The Election Act, s. 8.*)

.....  
Deputy Returning Officer

1951, c. 21, Form 14, *amended*.

FORM 15

*The Election Act*

(Section 63 (5) )

RECEIPT OF RETURNING OFFICER FOR BALLOT PAPER RECEIVED FROM  
CHIEF ELECTION OFFICER

I, ....., Returning Officer for the Electoral District  
of ....., do hereby acknowledge that I have this day  
received from the Chief Election Officer.....sheets  
of ballot paper, .....ballots to the sheet, total weight.....  
the same being for use at the vote to be taken on the .....day of  
....., 19.....

Dated at.....this.....day of....., 19....

.....  
Returning Officer

1951, c. 21, Form 15.

FORM 16

*The Election Act*

(Section 63 (7) )

RECEIPT OF PRINTER FOR BALLOT PAPER RECEIVED FROM  
RETURNING OFFICER

I (or We) do hereby acknowledge receipt of.....sheets of ballot  
paper, .....ballots to the sheet, from the Returning Officer for  
the Electoral District of ....., the same to be printed  
as per instructions for use at the vote to be taken on the .....day of  
....., 19.....

Dated at.....this.....day of....., 19....

.....  
Printer

1951, c. 21, Form 16.

## FORM 17

*The Election Act*  
(Section 63 (8), 87)

## FORM OF BALLOT PAPER

(Front)

The black line above the first name shall extend to the upper edge and the black line below the last name shall extend to the lower edge of the ballot paper, and all black lines shall be prolonged to the edge of the paper. The black margin to the left represents the counterfoil and the space to the left of the counterfoil represents the stub. There shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

1

WM. R. BROWN

of the City of Toronto, Barrister.

2

FRANK HAMON

of the City of Toronto, Artist.

3

JOSEPH O'NEIL

of the City of Toronto, Gentleman.

4

JOHN R. SMITH

of the City of Toronto, Merchant.

FORM 17—*Continued*  
FORM OF BALLOT PAPER  
(Back)

No. 325  
.....

No. 325  
POLL BOOK  
No.....

.....  
D. R. O.  
INITIALS

ELECTORAL DISTRICT  
OF.....  
19.....

## FORM 18

*The Election Act*

(Section 63 (12) )

## AFFIDAVIT OF PRINTER

I, ....., swear (or solemnly affirm):

1. That by direction of the Returning Officer for the Electoral District of....., I printed the ballot papers for use at the election to be held on the.....day of....., 19....  
(insert date of polling) on the paper furnished by him for that purpose.

2. That the attached form shows the description of the ballot papers printed by me as aforesaid.

3. That I supplied the Returning Officer with.....of such ballot papers.

4. That I returned to the Returning Officer.....spoilt ballot papers and.....unused sheets of ballot papers.

5. That no other such ballot papers were printed by or supplied by me to anyone.

Sworn (or affirmed) before me at  
the.....of.....  
this.....day of....., 19....

A Commissioner, etc.  
(See *The Election Act*, s. 8.)

.....  
(Printer)

(The Returning Officer will ensure that the copy of the ballot paper is attached.)

1951, c. 21, Form 18.

## FORM 19

*The Election Act*

(Section 65 (2) )

## RECEIPT FOR BALLOT PAPERS RECEIVED FROM RETURNING OFFICER

(Count your ballots, fill in this Form and forward at once  
to Returning Officer)

....., 19....

I, ....., Deputy Returning Officer for Polling Subdivision No.....in the Electoral District of....., hereby acknowledge that I have received from.....Returning Officer for the said Electoral District, .....books of ballot papers and have carefully examined and counted them and found that they contain.....ballots.

.....  
Deputy Returning Officer

1951, c. 21, Form 19.

FORM 20

*The Election Act*

(Sections 67 (1), 70)

COMMISSION OF POLL CLERK

To.....(*set forth his residence and occupation*)

In my capacity of Deputy Returning Officer for Polling Place No.....of the Township (*or as the case may be*), I hereby appoint you to be Poll Clerk for the said Polling Place.

Given under my hand at.....this.....day of....., 19.....

.....  
Deputy Returning Officer

1951, c. 21, Form 20, *amended*.

FORM 21

*The Election Act*

(Section 67 (1) )

OATH OF POLL CLERK

I, ..... appointed Poll Clerk for Polling Place No. .... of the Township (*or as the case may be*) swear (*or solemnly affirm*) that I am legally qualified to act as Poll Clerk and that I will act faithfully in that capacity and also in that of Deputy Returning Officer, if I am required to act in that capacity, without partiality, fear, favour or affection. So help me God.

Sworn (*or affirmed*) before me at  
the.....of.....  
this.....day of....., 19.....

.....  
Poll Clerk

A Commissioner, etc.  
(*See The Election Act, s. 8.*)

1951, c. 21, Form 21, *amended*.

## FORM 22

*The Election Act*

(Section 74 (1) )

## CERTIFICATE OF RETURNING OFFICER FOR OUTSIDE VOTERS

I, ....., Returning Officer for the Electoral District of ....., at the request of ..... of the ..... of ..... Merchant (or as the case may be), an elector of the said Electoral District, who has been appointed Deputy Returning Officer (or Poll Clerk, or Agent for ..... one of the Candidates at this election, as the case may be) for polling subdivision No. ...., of the ..... of ..... (or as the case may be) in the said Electoral District, do hereby certify that the said ..... is entitled to vote at this election at the polling place for the said polling subdivision, being the polling place where he is to be stationed during the polling day.

Dated at ..... this ..... day of ....., 19....

.....  
Returning Officer

NOTE.—This certificate is not to be signed by the returning officer until the name, residence and occupation of the person to whom it is granted have been filled in.

1951, c. 21, Form 22.

## FORM 23

*The Election Act*

(Section 77 (4) )

## NOTICE OF HOLDING AN ADVANCE POLL

Notice is hereby given that pursuant to *The Election Act* (section 77) a poll for the Electoral District of ..... will be open on Thursday, Friday and Saturday, the ..... and ..... days of ....., 19...., from 8 a.m. until 5 p.m., and from 7 p.m. until 10 p.m.

The polling place for the said electoral district will be located at ..... for the purpose of receiving the votes of voters who expect to be absent from the electoral district on the day fixed for polling.

The ballot box will be opened and the votes counted at 7 p.m. on ..... the ..... day of ..... at the said place.

Dated at ..... this ..... day of ....., 19....

.....  
Returning Officer

1951, c. 21, Form 23, amended.



FORM 24

*The Election Act*

(Section 78 (2) )

APPOINTMENT OF PROXY

I, ....., of the.....of.....  
in the County of....., being a voter entered on the list of  
voters, with a right to vote at the pending election in the.....of  
.....in the Electoral District of....., hereby  
nominate and appoint.....of.....in  
the County of....., as my true and lawful  
(occupation)  
attorney for me and in my name to vote at the said election.

And I hereby certify that I am a British subject, of the full age of  
21 years, and otherwise entitled to vote at the said election.

In witness whereof I have hereunto set my hand on board the steam-  
ship.....at.....this.....day of  
....., 19.....

Witness:

}

1951, c. 21, Form 24.

FORM 25

*The Election Act*

(Section 78 (5) )

CERTIFICATE OF REVISING OFFICER

I, ....., the revising officer duly appointed under  
*The Voters' Lists Act* for the purpose of revising the list of voters to be used  
at the election now pending for the Electoral District of.....,  
do certify that....., a voter entered on the list of voters and  
having the right to vote at the pending election in the.....of  
.....in the Electoral District of....., duly  
appeared before me at my sittings for the revision of the lists for the  
.....of....., and that upon the evidence  
there tendered by him (or on his behalf) I find that.....,  
named in this appointment as a mariner, is duly qualified to vote at the  
said pending election, and that the said.....is a person  
duly qualified to act as proxy for the said mariner and to vote on his  
behalf at the said election.

Dated this.....day of....., 19.....

.....  
Revising Officer

1951, c. 21, Form 25, amended.

## FORM 26

*The Election Act*

## (Section 78 (7) )

FORM OF OATH TO BE ADMINISTERED TO A PROXY VOTING  
FOR A MARINER

You swear (*or solemnly affirm*):

1. That you are the proxy for the mariner having the name of .....in the polling list now shown to you and that the said mariner signed the proxy.

2. That the said mariner is of the full age of 21 years.

3. That the said mariner is a British subject.

4. That the said mariner is not a citizen or subject of any foreign country.

5. That the said mariner has resided within Ontario for the 12 months last past, except for temporary absences as a mariner.

6. That the said mariner resided in the electoral district at the date of the issue of the writ of election and is now actually resident therein except for temporary absences as a mariner.

7. That the said mariner is not disqualified from voting at this election and is entitled to vote at this election and at this polling place.

8. That you verily believe that the said mariner has not voted at this election.

9. That you verily believe that the said mariner has not received anything or has anything been promised him directly or indirectly to induce him to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you verily believe that the said mariner has not directly or indirectly promised anything to any person to induce him to vote or refrain from voting at this election.

11. That you have not been paid or promised or received anything for or in connection with voting on behalf of the said mariner and that you verily believe that the said mariner executed the said proxy in good faith.

12. That you are voting on his behalf in good faith at this election.

So help you God.

1951, c. 21, Form 26.

## FORM 27

*The Election Act*

## (Section 83)

FORM OF OATH TO BE ADMINISTERED TO VOTER QUALIFIED UNDER  
SECTION 17 (1), PARAGRAPH 1

You swear (*or solemnly affirm*):

1. That you are the person having the name of.....  
in the polling list now shown to you (*or where a voter votes under a certificate  
given under section 74 of The Election Act that you are the person named  
in the certificate now shown to you*).

2. That you are of the full age of 21 years.

3. That you are a British subject.

4. That you are not disqualified under *The Election Act* or otherwise  
prohibited by law from voting.

5. That you have been a resident of Ontario for the past 12 months.

6. That you were ordinarily resident in this electoral district at the  
date of the issue of the writ of election.

[*Or, where the voter is the holder of a certificate under section 18:*

6. That you are the person named in the certificate now produced  
by you and issued under section 18 of *The Election Act* and have been  
since the issue of the said certificate and are now actually resident in this  
electoral district.]

7. That you are entitled to vote at this election and at this polling  
place.

8. That you have not voted at this election.

9. That you have not received anything nor has anything been prom-  
ised you, directly or indirectly, to induce you to vote at this election or  
for loss of time, travelling expenses or hire of conveyance.

10. That you have not directly or indirectly paid or promised any-  
thing to any person to induce him to vote or refrain from voting at this  
election.

So help you God.

1951, c. 21, Form 27, *amended*.

## FORM 28

*The Election Act*

## (Section 83)

FORM OF OATH TO BE ADMINISTERED TO VOTER QUALIFIED UNDER SECTION 17 (1), PARAGRAPH 2, AND MARKED "S.F." ON POLLING LIST

You swear (*or solemnly affirm*):

1. That you are the person having the name of.....  
in the polling list now shown to you (*or where a voter votes under a certificate given under section 74 of The Election Act that you are the person named in the certificate now shown to you*).

2. That you are a British subject.

3. That you are not disqualified under *The Election Act*, or otherwise prohibited by law from voting.

4. That you served or are serving as a member of the Canadian Forces within the meaning of the *National Defence Act* (Canada) or of the armed forces of any part of the Commonwealth or any ally thereof.

5. That you are an inmate or patient or employed and resident in a military hospital or institution for the reception, treatment or vocational training of persons who have so served or are so serving, or such hospital or institution for the blind or deaf or charitable institution, situated in the electoral district, namely (*naming the hospital, etc., in which the voter is a patient*).

6. That you have not voted at this election.

7. That you have not received anything nor has anything been promised to you directly or indirectly to induce you to vote at this election, or for loss of time, travelling expenses or hire of conveyance.

8. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election.

So help you God.

1951, c. 21, Form 28, amended.

## FORM 29

*The Election Act*

## (Section 83)

## FORM OF OATH OF ALLEGIANCE

I, ....., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (*or the reigning sovereign for the time being*), her heirs and successors according to law.

So help me God.

1951, c. 21, Form 29.

FORM 30

*The Election Act*

(Section 89 (1, 2) )

FORM OF OATH OF INABILITY TO READ

I, ....., of ....., swear (*or solemnly affirm*) that I am unable to read *or* that I am from physical incapacity unable to mark a ballot paper (*as the case may be*) .

Sworn (*or affirmed*) before me at  
the.....of.....  
this....day of....., 19...  
Having been first read over to  
the above named.....  
and signed by him in my presence  
with his mark.  
.....  
Deputy Returning Officer

.....  
(Mark of deponent to  
be made thus X)

1951, c. 21, Form 30, *amended*.

FORM 31

*The Election Act*

(Section 89 (3) )

OATH OF FRIEND OF BLIND VOTER

I, ....., of the .....  
(*insert name of friend*)  
of ....., in the County of.....,  
....., swear (*or solemnly affirm*) that I will  
(*occupation*)  
keep secret the name of the candidate for whom I mark the ballot of  
....., on whose behalf I act. So help me God.  
(*name of blind voter*)

Sworn (*or affirmed*) before me at  
the.....of.....  
this....day of....., 19...  
.....  
Deputy Returning Officer

.....  
*Signature of friend*

1951, c. 21, Form 31

## FORM 32

*The Election Act**(Sections 106 (1), 127)*

## STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS

Polling Place No. ....

Electoral District of .....

Number of ballot papers received from the re- turning officer.....	.....	.....
Number of ballots cast for .....	.....	.....
" " " " " .....	.....	.....
" " " " " .....	.....	.....
" " " " " .....	.....	.....
" " " " " .....	.....	.....
" " " " " .....	.....	.....
Number of ballot papers declined (Section 96)...	.....	.....
Number of ballot papers taken from polling place (Section 96).....	.....	.....
Number of ballot papers cancelled (Section 98) ..	.....	.....
Number of ballot papers rejected (Section 103) ..	.....	.....
Number of ballot papers not used and returned ..	.....	.....
Total.....	.....	.....

We hereby certify that the above statement is correct.

Dated at ..... this ..... day of ....., 19....

.....  
Deputy Returning Officer.....  
Poll Clerk*(Candidates or agents may also sign)*

1951, c. 21, Form 32, amended.

FORM 33

*The Election Act*

(Section 106 (3) )

CERTIFICATE TO BE DELIVERED TO CANDIDATES

I, the undersigned, Deputy Returning Officer for Polling Place No. .... in the ..... of ..... in the Electoral District of ....., do hereby certify that at the election held this day for a member to serve in the Legislative Assembly the hereinafter mentioned candidates received the number of ballots set opposite their respective names:

NAMES OF CANDIDATES	NUMBER OF BALLOTS
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

and also that ..... ballot papers were rejected.

Dated at ..... this ..... day of ....., 19....

.....  
Deputy Returning Officer

1951, c. 21, Form 33, *amended*.

FORM 34

*The Election Act*

(Section 107)

OATH OF THE POLL CLERK AFTER CLOSING OF THE POLL

I, ....., Poll Clerk for Polling Place No. .... in the Electoral District of ....., swear (*or solemnly affirm*) that the poll book for the said polling place kept under the direction of ....., who acted as Deputy Returning Officer, has been kept by me correctly to the best of my skill and judgment; that the total number of votes polled according to the said poll book is .....; and that to the best of my knowledge and belief it contains a true and exact record of the voters who voted at the said polling place.

Sworn (*or affirmed*) before me at  
the ..... of .....  
this .... day of ....., 19....

A Commissioner, etc.  
(*See The Election Act, s. 8.*)

.....  
Poll Clerk

1951, c. 21, Form 34, *amended*.

## FORM 35

*The Election Act**(Section 109 (1) )*

OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY  
RETURNING OFFICER IS UNABLE TO DELIVER THE  
BALLOT BOX TO THE RETURNING OFFICER

I, ....., swear (*or* solemnly affirm) that I am the person to whom ..... Deputy Returning Officer for Polling Place No. .... of the ..... of ..... in the Electoral District of ....., entrusted the ballot box for the said polling place to be delivered to ..... the Returning Officer; that the ballot box which I delivered to the Returning Officer this day is the ballot box I so received; that I have not opened it and that it has not been opened by any other person since I received it from the Deputy Returning Officer. So help me God.

Sworn (*or* affirmed) before me at  
the ..... of .....  
this ..... day of ....., 19...

A Commissioner, etc.  
(*See The Election Act, s. 8.*)

.....  
Poll Clerk or Messenger

1951, c. 21, Form 35.

## FORM 36

*The Election Act**(Section 109 (4) )*

## OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL

I, ....., Deputy Returning Officer for Polling Place No. .... of the Electoral District of ....., swear (*or* solemnly affirm) that to the best of my knowledge and belief the poll book kept for the said polling place under my direction has been kept correctly, that the total number of votes polled according to the said poll book is ....., and that it contains a true and exact record of the votes given at the said polling place, as the said votes were taken thereat; that I have correctly counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the statement, polling list, poll book, envelopes containing ballot papers, and other documents required by law to be returned by me to the Returning Officer have been faithfully and truly prepared and placed in the ballot box and are contained in the ballot box returned by me to the Returning Officer, which was locked and sealed by me in accordance with *The Election Act*, and remained so locked and sealed while in my possession.

Sworn (*or* affirmed) before me at  
the ..... of .....  
this ..... day of ....., 19.....

A Commissioner, etc.  
(*See The Election Act, s. 8.*)

.....  
Deputy Returning Officer

1951, c. 21, Form 36, *amended*.





## FORM 38

*The Election Act*

## (Section 135 (4) )

AFFIDAVIT TO BE TAKEN BY RETURNING OFFICER AFTER TRANSMITTING  
HIS RETURN TO THE CHIEF ELECTION OFFICER

I, ....., Returning Officer for the Electoral District  
of ....., swear (or solemnly affirm):

1. That, of the packets received by me as Returning Officer from the deputy returning officers in respect of the recent election for the said Electoral District, I have not opened or permitted to be opened any of the envelopes containing the ballot papers.

2. That I have not opened or permitted to be opened any of the packets so received except those authorized and directed to be opened by a returning officer under *The Election Act*.

3. That none of the other packets were opened by any person after they were returned to me by the deputy returning officers (or in the case of a recount add: except by the judge of the county court, on a recount).

4. That I have not ascertained and have not attempted to ascertain from the ballot papers or other contents of any of the said packets how any person voted.

5. That I have this day transmitted to the Chief Election Officer my return in respect of the said election.

So help me God.

Sworn (or affirmed) before me at  
the ..... of .....  
this .... day of ....., 19.....

A Commissioner, etc.  
(See *The Election Act*, s. 8.)

.....  
Returning Officer

1951, c. 21, Form 38.

## FORM 39

*The Election Act*

## (Section 150)

## OATH OF SECRECY

I, ....., swear (or solemnly affirm):

1. That I will not attempt to ascertain, and will by every means in my power prevent any other person from ascertaining, how any person is about to vote or has voted at Polling Place No. .... in the Electoral District of ..... except as is necessary and proper in the case of persons blind or unable to read or incapable of marking their ballot papers as provided in *The Election Act*.

2. That I will not communicate to any person any information of any kind that may enable or assist any person to ascertain the candidate for whom any person has voted.

3. That I will in all respects maintain and aid in maintaining the absolute secrecy of the voting at this polling place.

So help me God.

Sworn (or affirmed) before me at  
the.....of.....  
this....day of....., 19....

A Commissioner, etc.  
(See *The Election Act*, s. 8.)

1951, c. 21, Form 39.